

BOARD of SUPERVISORS



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MEMORANDUM

Date: August 6, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250806
Health Code - Enhanced Ventilation Requirements for Urban Infill Sensitive Use
Developments

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

[Health Code - Enhanced Ventilation Requirements for Urban Infill Sensitive Use Developments]

Ordinance amending the Health Code to clarify the City's enhanced ventilation standards by codifying the requirement that all new buildings and major renovations of buildings that contain a sensitive use certify that the building's ventilation system is capable of maintaining positive pressure; limiting applicability of the City's enhanced ventilation standard to single family homes, effective January 1, 2026, to align with state law; making findings under the California Health and Safety Code; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this determination.

1 (b) On _____, the Building Inspection Commission considered this
2 ordinance at a duly noticed public hearing pursuant to Charter Section 4.121 and Building
3 Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection
4 Commission regarding the Commission's recommendation is on file with the Clerk of the
5 Board of Supervisors in File No. _____.
6

7 Section 2. Findings Regarding Local Conditions.

8 (a) California Health and Safety Code Sections 17958.7 and 18941.5 provide that local
9 jurisdictions may enact more restrictive building standards than those contained in the
10 California Building Code, provided that the local jurisdictions make express findings that each
11 change or modification is reasonably necessary because of local climate, geologic, or
12 topographical conditions and that the local jurisdictions file the local amendments and
13 required findings with the California Building Standards Commission before the local changes
14 or modifications can go into effect.

15 (b) The Board of Supervisors hereby finds and declares that the following
16 amendments to the San Francisco Health Code and implemented through the Building Code
17 are reasonably necessary because of local climatic, topological, and geological conditions as
18 discussed below.

19 (1) The topography of San Francisco leads to development of high density of
20 multi-unit buildings on small lots, and often in close proximity to major roadways, necessitating
21 special provisions for ventilation.

22 (2) The City's geography and weather patterns create microclimates,
23 influenced by fog, topography, and urban development, which can exacerbate air pollution
24 and trap pollutants in certain areas, necessitating special provisions for ventilation.
25

1 (3) Positive pressure in units and habitable spaces protects public health by
2 reducing the infiltration and exposure of air pollution entering indoors through gaps in walls,
3 floors, and windows.

4 (c) Pursuant to the applicable California Health and Safety Code Sections, the
5 Board of Supervisors finds and determines that these local conditions give rise to the need for
6 modification to the ventilation provisions in the Building Code published by the Building
7 Standards Commission. Further, the Board finds and determines that the proposed
8 modifications are reasonably necessary based on these local conditions.

9
10 Section 3. Article 38 of the Health Code is hereby amended by revising Sections 3804,
11 3807, and 3809, to read as follows:

12 **SEC. 3804. DEFINITIONS.**

13 For the purposes of this Article 38, the following words shall have the following
14 meanings:

15 "Air Pollutant Exposure Zone" means those areas within the City which, by virtue of
16 their proximity to air pollution emissions sources, including Freeways, have substantially
17 greater concentrations of air pollutants. The Air Pollutant Exposure Zone shall be modeled
18 according to specific risk factors defined in the Rules and Regulations, and will include at a
19 minimum, criteria for maximum allowed excess cancer risks and maximum PM2.5
20 concentrations; these criteria shall be more stringent in Health Vulnerable Locations, as
21 defined below.

22 "Building" means a building that contains a "Sensitive Use" and that is either:

- 23 (1) a new building; or
24 (2) a building undergoing a "Major Alteration to Existing Building" as defined by
25 the San Francisco Green Building Code; or

1 (3) a building undergoing a Planning Department permitted change of use.

2 "City" means the City and County of San Francisco.

3 "Department" means the San Francisco Department of Public Health.

4 "Director" means the Director of the San Francisco Department of Public Health or the
5 Director's designee.

6 "Enhanced Ventilation" means a ventilation system capable of achieving the protection
7 from particulate matter (PM2.5) equivalent to that associated with a Minimum Efficiency
8 Reporting Value (MERV) 13 filtration (as defined by American Society of Heating,
9 Refrigerating and Air-Conditioning Engineers (ASHRAE) standard 52.2), and capable of
10 maintaining Positive Pressure in dwelling units and habitable spaces from the external environment.

11 "Freeway" refers to freeways as defined in the San Francisco General Plan,
12 Transportation Element.

13 "Health Vulnerable Locations" means those San Francisco zip codes, census tracts or
14 other defined locations having the highest percentage of health vulnerable residents, based
15 on criteria such as State discharge data from respiratory and cardiovascular related
16 hospitalizations, non-accident mortality, or other criteria as determined by the Director and
17 specified in the Rules and Regulations enacted under this Article.

18 "Positive Pressure" means the maintenance of higher air pressure inside a specific area than
19 the air pressure outside, which reduces the infiltration and exposure of air pollution entering indoors
20 through gaps in walls, floors, and windows.

21 "PM2.5" means solid particles and liquid droplets found in the air, that are less than or
22 equal to 2.5 micrometers (µm) in diameter.

23 "Sensitive Use" means:

24 (1) any building or facility designed for residential use, including but not
25 limited to those defined by City, state or federal law and regulations, excluding Tourist Hotels.

1 except that effective January 1, 2026, the definition of “sensitive use” under this subsection (1) shall
2 mean single family residential buildings only;

3 (2) any facility serving specific populations, including but not limited to
4 California Department of Social Services (CDSS)-licensed Adult Day Care Centers, Adult
5 Support Centers, Child Care Centers, Family Child Care Homes, Infant Care Centers, School-
6 Aged Child Care Centers, and Community Treatment Centers;

7 (3) any California Department of Education (CDE)-licensed schools;

8 (4) any California Department of Public Health (CDPH)-licensed Health Care
9 Facilities with 24-hour care, except for CDPH-licensed hospitals, which are subject to specific
10 regulations;

11 (5) any ~~California~~ Building Code Section 305-defined occupancies of
12 Educational Group E;

13 (6) any ~~California~~ Building Code Section 308-defined occupancies of
14 Institutional Group I; and

15 (7) any ~~California~~ Building Code Section 310-defined occupancies of
16 Residential Group R.

17 "Site" means a parcel of land as defined in the San Francisco Building Code.
18

19 **SEC. 3807. ENHANCED VENTILATION REQUIREMENT.**

20 (a) Any person or entity to whom this Article 38 applies, as defined in Section 3805,
21 shall submit to the Director an Enhanced Ventilation Proposal, prepared by, or under the
22 supervision of, a licensed mechanical engineer or other individual authorized by the California
23 Business and Professions Code Sections 6700-6799 (Professional Engineers Act) to design
24 mechanical ventilation systems that meet the requirements of this Article 38 and San
25

1 Francisco Building Code Section 1203.5. An Enhanced Ventilation Proposal shall include the
2 name, title and license number of the person submitting such proposal.

3 (b) The Enhanced Ventilation Proposal shall explain how the project will achieve the
4 standards mandated by this Article 38 and accompanying ~~the~~ Rules and Regulations as
5 described and updated according to Section 3809, San Francisco Building Code Section
6 1203.5, and any relevant amendments or revisions thereto. The Enhanced Ventilation
7 Proposal shall include a statement signed by the person who prepared it, in accordance with
8 the requirements of Section 3807(a), certifying that in ~~his or her~~ the person's judgment, the
9 ventilation system proposed will be capable of achieving the protection from particulate matter
10 (PM2.5) equivalent to that associated with MERV 13 filtration (as defined by ASHRAE
11 standard 52.2) and the Positive Pressure requirement for Enhanced Ventilation. Where maintaining
12 Positive Pressure in residential units is infeasible, the person submitting the Proposal shall provide
13 documentation of the infeasibility, and shall certify that the ventilation system proposed will be capable
14 of achieving Positive Pressure in all common areas.

15 ~~In updates to the Rules and Regulations, the Director may specify additional or alternative~~
16 ~~protective equivalents as technology and research dictate.~~

17 (c) The Director shall review the Enhanced Ventilation Proposal and may require
18 additional modification or justification prior to the Director's approval. The Director shall issue
19 a letter to the Department of Building Inspection Permit Services Energy/Mechanical Plan
20 Review Section identifying and attaching the letter describing the approved Enhanced
21 Ventilation Proposal.

22 (d) Building permit documents submitted to the Department of Building Inspection
23 shall incorporate all designs and details necessary for the construction of the approved
24 Enhanced Ventilation system. The Department of Building Inspection shall review submitted
25 plans to assure compliance with the Director-approved Enhanced Ventilation proposal and

1 shall not issue permits for the construction, installation, or modification of the Enhanced
2 Ventilation systems unless it is in compliance with the approved proposal.

3
4 **SEC. 3809. VENTILATION STANDARDS; RULES AND REGULATIONS.**

5 (a) ~~Within 90 days after the effective date of Ordinance No. 224-14, amending Article 38,~~
6 The Director shall issue Rules and Regulations necessary to effectuate the purposes of this
7 Article and to protect public health and safety. Any person or entity as defined in Section 3805
8 shall comply with this Article, the Rules and Regulations, and all applicable local, state, and
9 federal laws.

10 * * * *

11
12 **Section 4. Effective Date**

13 This ordinance shall become effective 30 days after enactment. Enactment occurs
14 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
15 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
16 Mayor's veto of the ordinance.

17
18 **Section 5. Scope of Ordinance.** In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the "Note" that appears under
23 the official title of the ordinance.

Section 6. Directions to Clerk. Upon enactment of this ordinance, the Clerk of the Board of Supervisors is hereby directed to transmit this ordinance to the California Building Standards Commission pursuant to the applicable provisions of State law.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
ADAM RADTKE
Deputy City Attorney

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LEGISLATIVE DIGEST

[Health Code - Enhanced Ventilation Requirements for Urban Infill Sensitive Use Developments]

Ordinance amending the Health Code to clarify the City's enhanced ventilation standards by codifying the requirement that all new buildings and major renovations of buildings that contain a sensitive use certify that the building's ventilation system is capable of maintaining positive pressure; limiting applicability of the City's enhanced ventilation standard to single family homes, effective January 1, 2026, to align with state law; making findings under the California Health and Safety Code; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

Health Code Article 38 applies to any building or facility designed for residential use or serving specific sensitive populations – adult support centers, child care centers, community treatment centers, health care facilities, schools, and group homes – within the Air Pollution Exposure Zone (APEZ). Developers applying for a San Francisco Planning Department permit to construct a new building, or undergo a major alteration to an existing building, must submit a plan for an Enhanced Ventilation System capable of achieving the protection from particulate matter (PM_{2.5}) equivalent to that associated with MERV 13 filtration.

Currently, regulations promulgated by the Department of Public Health, Environmental Health Branch, pursuant to the authority in Article 38, require that residential buildings and sensitive use buildings have ventilation systems that maintain positive pressure.

Amendments to Subchapter 10 of the California Energy Code will go into effect on January 1, 2026. The California Energy Code will establish statewide mandatory ventilation and indoor air quality requirements regardless of geographic location for multifamily buildings. New multifamily buildings, and replacement of existing ventilation systems, will be required to meet enhanced ventilation system requirements with a minimum of MERV-13 filtration and maintain balanced pressure. The San Francisco Department of Building Inspection will oversee the enhanced ventilation compliance in new buildings throughout San Francisco, including within the APEZ.

Amendments to Current Law

This ordinance would amend Health Code Article 38 to codify the regulatory requirement that enhanced ventilation systems must be capable of maintaining positive pressure in residential

units and habitable spaces. Where maintaining positive pressure is infeasible, the proposal must provide documentation of infeasibility and certify that the ventilation system proposed will be capable of achieving positive pressure in all common areas.

This ordinance would amend the definition of sensitive use to exclude multifamily residential buildings that will become subject to state ventilation and indoor air quality requirements on January 1, 2026.

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