

***BIC Regular Meeting
of
November 16, 2022***

Agenda Item 9



November 9, 2022

Building Inspection Commission
49 South Van Ness Avenue
San Francisco, CA 94103

Re: Proposed Changes to Administrative Bulletin 004 Priority Permit Processing

Honorable Members of the Commission:

The November 9, 2022 regular meeting of the full Code Advisory Committee (CAC) deliberated on the proposed changes to Administrative Bulletin (AB) 004 Priority Permit Processing requested by the Department of Building Inspection. The Code Advisory Committee voted to recommend, to the Building Inspection Commission, the adoption of proposed changes to Administrative Bulletin 004 Priority Permit Processing.

Respectfully submitted,

Thomas Fessler
DBI Technical Services
Secretary to the Code Advisory Committee

cc. Patrick O'Riordan, C.B.O. Director
Neville Pereira, Deputy Director
Christine Gasparac, Deputy Director
Janey Chan, Manager
Stephen Harris, S.E, Chair, Code Advisory Committee

Attach: Revised Administrative Bulletin 004 Priority Permit Processing

AB-004 Priority Permit Processing Guidelines

NO. AB-004 :

DATE : November 1, 2022

[Supersedes Administrative Bulletin AB-004 originally issued 10/6/06 and revision dated October 15, 2008, April 16, 2014, and September 23, 2014]

SUBJECT : Permit Processing and Issuance

TITLE : Priority Permit Processing Guidelines

PURPOSE : This bulletin establishes guidelines to assure that permit applicants receive equal treatment and that permits are reviewed in the order received by the Department of Building Inspection except for certain designated priority applications.

It is the intent of the Department of Building Inspection that the permit review process proceeds in an orderly, fair and efficient manner with sufficient flexibility to allow the reasonable resolution of problems that may occur on a day-to-day basis. This bulletin is issued in conjunction with similar bulletins from the Department of Public Works and the Planning Department.

REFERENCES : Current edition of the San Francisco Building Code, Section 106A, Permits

San Francisco Campaign and Governmental Conduct Code, Section 3.400
“Permit Application Processing”

Ethics Commission “Permit Processing Code of Conduct”

San Francisco Planning Department, Director’s Bulletin No. 2

Department of Public Works, Director’s Order #175,487

Ordinance #202- 19 Planning Code Section 206.3 Housing Opportunities Mean Equity – San Francisco Program (HOME-SF program)

DISCUSSION : This Administrative Bulletin provides guidelines for the implementation of legislation adopted by the Board of Supervisors to assist City permitting departments in assuring that no appearance of, or actual, preferential treatment is given to any permit applicant. Policy is adopted in accordance with the requirements of San Francisco Campaign and Governmental Conduct Code Section 3.400, effective December 15, 2004, and supplements the Permit Processing Code of Conduct adopted by the Ethics Commission on January 10, 2005.

These procedures relate to assignment, initial processing, review and issuance of permit applications; as well as to permit revisions, deferred submittals, and corrections submitted to the Department of Building Inspection subsequent to initial permit application.

General Policy: In accordance with the City’s adopted “Permit Application Processing” regulations, the Department of Building Inspection has determined that there is a compelling public policy basis

to provide priority review and issuance for each of the following designated types of permit applications.

Department of Building Inspection employees are encouraged to exercise reasonable judgment in all permit review and issuance activities in order to fulfill our customer service responsibilities. This exercise of reasonable judgment by employees is considered an important component in meeting the intent of the legislation to avoid preferential treatment. In all cases when questions arise regarding potential issues of preferential treatment, employees are required to consult with their supervisors.

PROCEDURES

Subject to the reasonable judgment of employees, permit applications shall be logged-in, separated into various permit types, assigned to staff for review, and reviewed in the order in which they are received, except for certain designated priority permits as detailed below. The Department of Building Inspection may assign as many different permit types as necessary to assure the efficient operation of that department. For example, the Department of Building Inspection may separate permits for one type of work, such as office tenant improvement construction, from other types of work, such as re-roofing or new building construction.

Case A addresses initial permit submittal, assignment, review and issuance. Following such initial priority action, permit applications may be placed on hold, routed to other divisions or other City agencies, issued, cancelled, or expired pursuant to other code requirements and other adopted policies and procedures.

Case B addresses issues related to priority processing of permit revisions and of other materials submitted after initial permit acceptance and review, as well as to issues related to final processing and issuance of permits.

Case A - Applications for Permits

Permit applications for the following types of work may, upon request of the permit applicant, be given priority assignment for plan review and issuance:

1. Permit applications for necessary emergency work to secure the health or safety of building users or the public, either on private property or on the public right-of-way;
2. Permit applications for work on City owned or City leased properties when such priority permit review is specified in a written agreement between the Department of Building Inspection and such other City agencies;
3. Permit applications for work consisting solely of disabled access improvements, including Accessible Business Entrance program SFBC Chapter 11D;
4. Permit applications for work consisting solely of clean energy supply systems. These include but not limited to solar photovoltaic systems (PV), Solar Thermal (ST), Energy Storage Systems (ESS), Electric Vehicle Charging Stations (EVSE), and wind power generation systems;
5. Permit applications for work consisting solely of telecommunications facilities per California Government Code Section 65964.1;

6. Permit applications for the voluntary or mandatory seismic upgrades of buildings to improve performance in earthquakes such as private schools subject to SFEBC Section 329, soft story, or other buildings;
7. Permit applications principally for maintenance or preservation of designated historic buildings and/or sites;
8. Permit applications for creating new dwelling units;
 - a. Permit applications for projects that provide new affordable housing (meeting the affordability levels defined in Planning Code Section 415 and in the Procedures Manual adopted by the Mayor's Office of Housing) in 100% of the on-site dwelling units. Conformance with these standards shall be confirmed by Planning Department staff;
 - b. Permit applications for housing projects (1) which are seeking approval under the HOME-SF program, as provided for in Planning Code Section 206.3 or (2) where at least 30 percent of the total number of on-site dwelling units are affordable for a term of no less than 55-years to households with an income no higher than for middle-income households, as defined in Planning Code Section 401. Conformance with these standards shall be confirmed by Planning Department staff
 - c. Applications for creation of Accessory Dwelling Units (ADU) or Junior Accessory Dwelling Units (JADU).
9. Permit applications to respond to a delay caused by an earlier procedural error by a City agency in processing the permit or processing another permit for the same project;
10. Permit applications submitted to comply with Notices of Violation, abatement notices, or any other official Department of Public Works, Planning Department or Department of Building Inspection enforcement or abatement notices which require immediate action; or
11. Permit applications for other work for which, in the reasonable judgment of the Director of the Department of Building Inspection, urgent or extraordinary circumstances exist that would lead to a significant public benefit or necessity, when such circumstances are documented in written findings.

Case B - Revisions and Addenda to Permits

Subject to the reasonable judgment of staff, revisions and other materials submitted to the Department of Building Inspection during the permit review process must be reviewed in the order in which they are received, except as detailed below. Such submittals may include revisions, corrections, deferred submittals, and other permit materials. Exceptions to the strict chronological review and processing sequence are allowed and permit submittal documents may be given priority review, upon request of the permit applicant, when any of the following conditions is met:

1. Permits meet the priority permit qualifications of Case A, above;
2. Permit revisions are submitted pursuant to a decision of the Building Inspection Commission, Board of Appeals, Board of Supervisors, or other review or appeals body where such body has directed that the permit revisions be given priority review,
3. Revisions, deferred submittals, and other permit submittals for work in which, in the reasonable judgment of the Director of the Department of Building Inspection, urgent or extraordinary

circumstances exist that would lead to a significant public benefit or necessity, when such circumstances are documented in written findings.

Documentation of Priority Processing

Priority processing for permits meeting the above criteria is to be undertaken at the request of the permit applicant. All cases of priority permit application processing shall be documented using a standard form, Documentation of Findings for Priority Permit Processing (Attachment A), that includes written findings of conformity with one of the priority types described in this bulletin. This document shall be prepared and submitted by the applicant. Department of Building Inspection, Division managers may approve the form where the permit is in clear conformity with the standards for priority processing. All other requests for priority permit processing should be reviewed and approved by a Deputy Director or other senior manager.

One copy of the form approving priority permit processing shall remain with the application, one copy shall be microfilmed or otherwise retained as part of the approved permit documents. Permit applications that are approved for priority processing should be so noted in the Department of Building Inspection's permit tracking system.

The applicant of a priority project shall be required to submit plans for electronic plan review (EPR) to avail of concurrent plan review.

Quality Assurance Procedures

The assignment of permit applications for priority review and these procedures shall be reviewed by the Department of Building Inspection on an annual basis to confirm that the intent of this policy is being fulfilled and to make changes as necessary to optimize the efficient and fair operation of the permit process.

Signed by:

Patrick O'Riordan, C.B.O.
Director
Department of Building Inspection

Date

Approved by Building Inspection Commission October 15, 2008, Revision approved: April 16, 2014; November 19, 2014; April 15, 2015;

Attachment I: Documentation of Priority Permit Processing

Attachment II: Planning Director Bulletin No. 2 (Rev. August 2017)

Attachment III: DPW Director's Order #175,487



Proposed Changes to AB-004
November 16, 2022

Administrative Bulletin 004

- AB-004 is a priority permit-processing guideline
 - Prioritizes permitting for projects such as emergency safety projects, mandatory seismic safety of private schools, etc.
- It was last updated in April 2015

Proposed Updates to AB-004

- Remove the requirement for projects to meet exceptionally high standard for efficiency, “green building,” LEED, etc.
- Update to include projects seeking approval under Home-SF Ordinance
 - Ordinance includes a provision for Planning Department priority processing
 - Existing AB includes 100% affordable housing
 - Home-SF Ordinance includes 30% affordable housing with various other requirements under the ordinance

Proposed Updates to AB-004 (cont.)

- Add Accessory Dwelling Units (ADUs) and Junior ADUs to align with state initiatives
- Add Telecommunications Facilities
 - Cell towers, antennas, etc.
- Add Renewable Energy Projects
 - EV charging stations, solar thermal, wind power generation, etc.



THANK YOU