

Assembly Bill 1114 Background

San Francisco Board of Appeals

August 14, 2024

Existing Law Prior to AB 1114

PSA

Permit Streamlining Act (1977)

Set various time limits for local agencies to approve or deny permits to entitle a 'development project' as defined.

30-day window to determine if an application is complete, otherwise it shall be deemed complete.

Timelines for approval/denial depend on type of reviewing agency, type of project, etc. Timelines range between 60 to 180 days.

AB
2234

Assembly Bill 2234 (2023)

Set various time limits for local agencies to approve or deny 'post-entitlement' permits as defined, for projects 2/3 residential or more.

15-day window to determine if an application is complete, otherwise it is deemed complete.

Agency must approve or deny permit within 30 days for projects with 25 units and below; within 60 days for projects over 26 units.

Agency must provide clear requirements for applicants and example applications.

Requires online permit intake and processing.

Existing Law – Key Definitions

AB 2234 defines ‘post-entitlement’ permit to mean the following:

All nondiscretionary permits and reviews filed after the entitlement process has been completed that are required or issued by the local agency to begin construction of a development that is intended to be at least two-thirds residential, excluding discretionary and ministerial planning permits, entitlements, and other permits and reviews as specified.

A post-entitlement phase permit includes, but is not limited to, all of the following:

- Building permits, and all inter-departmental review required for the issuance of a building permit
- Permits for minor or standard off-site improvements
- Permits for demolition
- Permits for minor or standard excavation and grading

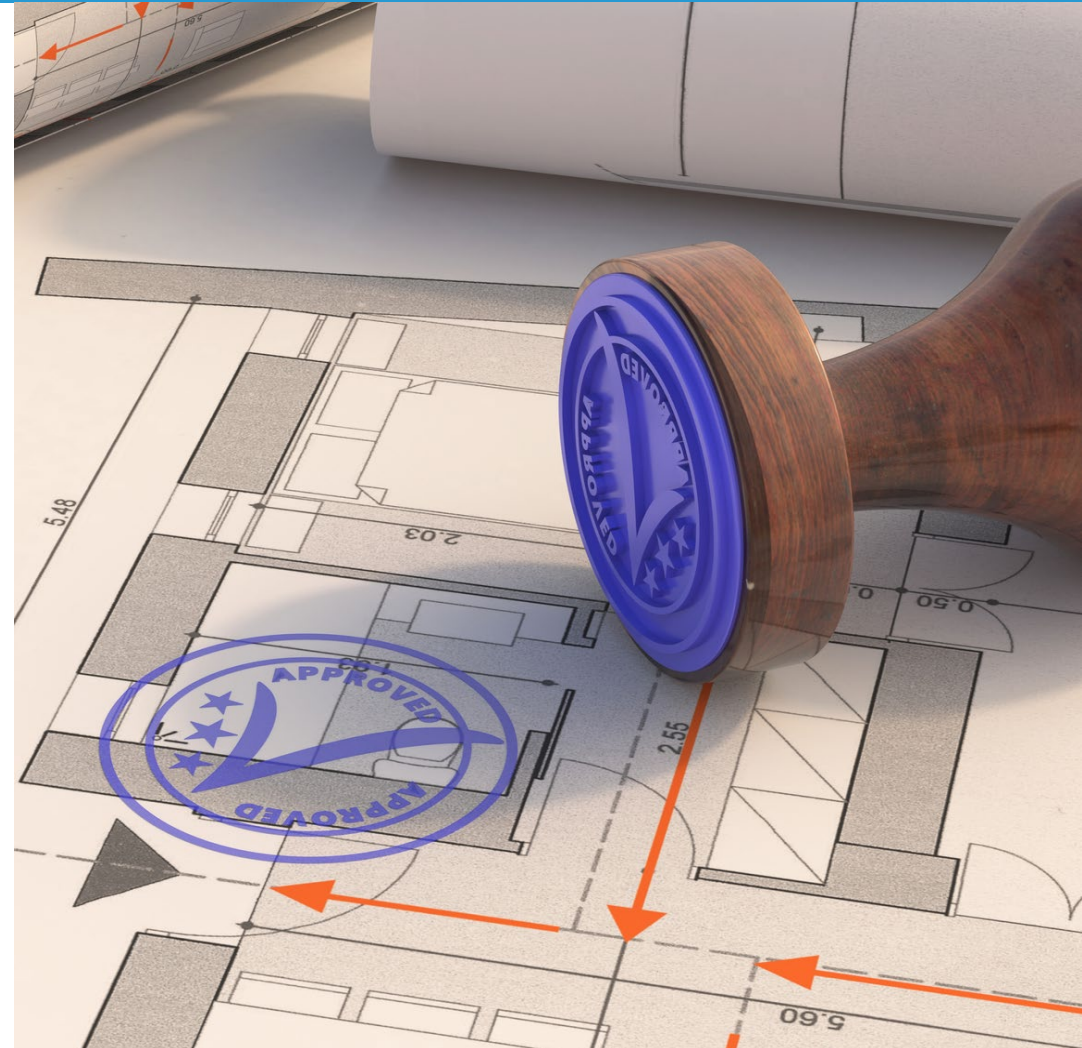
Major Provisions of AB 1114

AB
1114

Assembly Bill 1114

Expands the definition of 'post-entitlement' permit to include all permits issued under the building code, *whether discretionary or not.*

Removes ability for post-entitlement permits to be appealed or subject to additional hearings.



Changes to Department Procedure

- Creation of checklists and examples of completed applications
- Improved online permit intake
- Pre-Plan Check Station
- Concurrent review of applications
- Data tracking

Prepare for your construction project

Before you apply for a building permit, follow these steps.

Your property and project plans affect what processes you must follow to get a building permit.

- 1 Check if your project needs a permit**
Time: 10 minutes
Some construction projects do not need a permit.
[Check if your project needs a permit](#)
 - 2 Check and resolve complaints**
Time: 10 minutes to 1 hour
Check your property's complaints or notice of violations in our tracking system.
You must resolve notices of violation before you apply for another permit.
[Check and resolve complaints about your property](#)
- and **Check your property's environmental categories**
Time: 10 minutes
Your property's slope, landslide risk, and Maher area will affect your required documents for your project.
[Check your property's environmental information](#)
- and **Check your property's historic resource status**
Time: 10 minutes
If your project will be visible from the street, check your property's historic status.
[Check your property's historic resource status](#)

AB 1114 Compliance Data

Review for completeness of housing development permits (intake):

- Number processed: **281** applications
- Number deemed complete: **155** applications
- Median days in completeness review: **7 days**
- Percent meeting mandated timelines (15 business days): **99.6%**

Review for compliance of housing development permits (plan check):

- Number of reviews completed: **600 plan checks** across 139 permit applications
- Median number of days in compliance review: **7 days** across stations
- Percent meeting targets (30 or 60 business days): **97%**



THANK YOU

PUBLIC COMMENT

August 12, 2024

To: Board of Appeals

From: Georgia Schuttish

Re: **Board hearing on August 14th, Agenda Item No. 4 on AB 1114**

AB 1114 is a dramatic change to the planning process in San Francisco. Coupled with the Constraints Reduction Ordinance and other state and local legislation the process that has served San Francisco seems upended, with the appeals process for land use issues dead.

I don't think the full impact of AB 1114 is understood by most citizens.

Based on my understanding of AB 1114 individual property owners and tenants living adjacent to proposed projects are now losing the opportunity to raise concerns about proposed projects and to be heard in the City and County of San Francisco.

I would hope that the Board would ask the representatives from the Departments for some **real world examples** for how this new legal language of a "*planning entitlement*" differing from a "*site permit*" would translate for cases that were heard by the Board in the past to better understand what this change actually means.

And what it means for the types of cases on which the Board will apparently no longer be allowed to rule in the future.

Example:

Could either of the two Appeals being heard on August 14th or similar cases be appealed in the future to the Board under AB 1114?

Another example:

On July 17, 2024 the Board heard Appeal No.24-034. While the Appellant was the property owner, the project at 363 Jersey Street had a history of appeals at both the Planning Commission and at this Board. Specifically the major excavation proposed was a concern to both adjacent neighbors. (Appeals 17-191 and 17-192).

With both the DRs and the appeals to the Board, the adjacent neighbors were able to use the process to better protect their property. This was not something the speculative developer of 363 Jersey Street was willing to do. *Could similar cases like this still be heard by the Board or is there no longer the right of appeal?*

Projects that involve excavations are particularly important as historically the Planning Department and the Planning Commission do not get involved with these issues even if a Request for Discretionary Review is filed regarding issues of excavations and foundations, as their focus has

been on design. *What recourse would adjacent neighbors have to protect their property in situations like this?*

Another example:

In April 2024 the Board heard Appeal Nos. 23-057; 23-051; 23-050. This hearing was for 617 Sanchez Street. This also involved an excavation and requiring additional bore holes to fully access the soil conditions at the site when only one bore hole had been done. The Board was very concerned about what they characterized as “the last bite of the apple” for the adjacent homeowner. *Could this appeal or one similar have been heard by the Board and what recourse could the adjacent neighbor have used to protect their home if not able to be heard by the Board on this technical issue?*

Conclusion:

I don't know how many cases that involve what were previously called “Site Permits” the Board of Appeals has heard on a yearly basis.

Given the number of permits processed each year by the City and County of San Francisco, Requests for Discretionary Review to the Planning Commission are comparatively few. But DR has also been

upended with AB 1114. Below is a screenshot listing of the 33 DRs at the Planning Commission in 2023 from the Department's data base.

Hopefully, the Board can have a full discussion with **real world examples** of what role the Board will have...or not have...in land use issues under this new regime.

Discretionary Reviews (33)	Action	Proposal	Staff Recommendation	Date	Case No.
2011 Filbert Street	No DR	Demolition, new construction	Do Not Take DR and Approve	January 5, 2023	2021-002057DRP
1130 Clement Street	Took DR and Approved as Modified	Vertical and Horizontal addition	Take DR and Approve with Modifications	January 5, 2023	2020-011896DRP
627 16th Avenue	No DR	Rear addition	Do Not Take DR and Approve	January 12, 2023	2021-008669DRP
316-318 Chestnut Street	Take DR and Approved with modifications	Roof deck	Take DR and Approve with Modifications	January 12, 2023	2020-001606DRP
1564 Green Street	No DR	Horizontal addition	Do Not Take DR and Approve	January 26, 2023	2022-003961DRP
379 Eureka Street	No DR	Horizontal addition	Do Not Take DR and Approve	February 2, 2023	2022-000367DRP
1304 Valencia Street	No DR	Vertical and Horizontal addition	Do Not Take DR and Approve	February 16, 2023	2022-004943DRP
1600 Lake Street	No DR	Expand garage and change windows	Do Not Take DR and Approve	February 23, 2023	2021-010975DRP
681 12th Avenue	No DR	New accessory structure at the rear	Take DR and Approve with Modifications	March 2, 2023	2022-005429DRP
1027-1029 Clayton Street	Took DR and Approved as Modified	New construction	Take DR and Approve with Modifications	March 2, 2023	2021-001801DRP-02

100 Broadway	Took DR and Approved with Conditions	Change of Use from Office to Cannabis Retail	Do Not Take DR and Approve	March 9, 2023	2022-005154DRP-02
1550-1552 Lake Street	No DR	Legalize demolition, new construction	Do Not Take DR and Approve	March 16, 2023	2022-006186DRP
984 Corbett Avenue	No DR	Horizontal and vertical addition	Do Not Take DR and Approve	March 16, 2023	2021-001539DRP
801 Corbett Avenue	No DR	New construction	Do Not Take DR and Approve	March 23, 2023	2021-000997DRP
415 Grafton Avenue	No DR	Vertical addition	Do Not Take DR and Approve	March 30, 2023	2022-008887DRP
2207 31st Avenue	No DR	Legalize work without permit	Do Not Take DR and Approve	April 20, 2023	2022-003158DRP
330 Rutledge Street	No DR	Construct a retaining wall	Do Not Take DR and Approve	April 27, 2023	2020-010373DRP
1448 Willard Street	No DR	Horizontal addition; 2nd ADU	Do Not Take DR and Approve	April 27, 2023	2022-002033DRP
939 Lombard Street	No DR	Demolition, new construction	Do Not Take DR and Approve	June 29, 2023	2021-007262DRP-02
372 Dolores Street	No DR	Convert to ADU	Do Not Take DR and Approve	June 29, 2023	2021-004066DRP
50 28th Street	No DR	Convert to 2 residential building	Do Not Take DR and Approve	July 13, 2023	2022-008877DRP
900 Chenery Street	No DR	Horizontal addition	Do Not Take DR and Approve	July 13, 2023	2021-002481DRP-02
615 Sanchez Street	No DR	Vertical addition plus ADU	Do Not Take DR and Approve	July 27, 2023	2022-009006DRP-02
3748 22nd Street	Took DR and Approved as Modified	Horizontal addition	Take Discretionary Review and Approve as Modified	September 28, 2023	2022-007482DRP-02
38 Mars Street	Took DR and Approved as Modified	Vertical and Horizontal addition	Take DR and Approve as Modified	October 19, 2023	2022-010980DRP
770 Woolsey Street	No DR	New construction to add stair penthouses	Do Not Take DR and Approve	October 26, 2023	2017-012086DRP
3551 Lombard Street	Took DR and Approved with Staff modifications	vertical addition	Take DR and Approve with Modifications	November 2, 2023	2019-015792DRP
552 Jersey Street	Took DR and Approved	horizontal addition	Do Not Take DR and Approve	November 2, 2023	2022-000280DRP
3160 Jackson Street	No DR	Rear and side addition	Do Not Take DR and Approve	November 9, 2023	2022-002822DRP-02
1128 Lake Street	Took DR and Approved as Modified	Vertical and Horizontal addition	Take DR and Approve as Modified	November 30, 2023	2019-006995DRP
10 Seadiff	Took DR and Approved with Modifications	horizontal rear addition	Take DR and Approve with Modifications	November 30, 2023	2022-007060DRP
2919 Webster	Took DR and Approved with Modifications	horizontal rear addition, new raised roof	Take DR and Approve as Modified	December 7, 2023	2023-000276DRP
2475 Washington Street	No DR	Demolition, new construction	Do Not Take DR and Approve	December 14, 2023	2022-002609DRP