

***BIC Regular Meeting
of
May 17, 2023***

Agenda Item 5

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Patrick O'Riordan, Director, Department of Building Inspection
Sonya Harris, Commission Secretary, Building Inspection Commission

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: April 11, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Safai on April 4, 2023:

File No. 230374

Ordinance amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Erica.Major@sfgov.org.

cc: Patty Lee, Department of Building Inspection

1 [Building Code - Streamlining Site Permit Review]

2

3 **Ordinance amending the Building Code to outline the site permit application process,**
4 **define and limit the scope of Building Official review of site permits, and require**
5 **simultaneous interdepartmental review of site permits; and affirming the Planning**
6 **Department’s determination under the California Environmental Quality Act.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
10 **Board amendment additions** are in Arial font.
11 **Board amendment deletions** are in ~~Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

11

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

13

14 Section 1. Findings.

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

20 (b) On _____, at a duly noticed public hearing, the Building Inspection
21 Commission considered this ordinance in accordance with Charter Section D3.750-5 and
22 Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building
23 Inspection Commission regarding the Commission’s recommendation is on file with the Clerk
24 of the Board of Supervisors in File No. _____.

25

1 (c) No local findings are required under California Health and Safety Code Section
2 17958.7 because the amendments to the Building Code contained in this ordinance do not
3 regulate materials or manner of construction or repair, and instead relate in their entirety to
4 administrative procedures for implementing the code, which are expressly excluded from the
5 definition of a “building standard” by California Health and Safety Code Section 18909(c).

6
7 Section 2. The Building Code is hereby amended by revising Section 106A.3.4, to read
8 as follows:

9 **106A.3.4 General Permit Procedures.~~Architect or engineer of record.~~**

10 **106A.3.4.1 Architect or engineer of record.~~General.~~** When it is required that documents
11 be prepared by an architect or engineer, the building official may require the owner to engage
12 and designate on the building permit application an architect or engineer who shall act as the
13 architect or engineer of record. If the circumstances require, the owner may designate a
14 substitute architect or engineer of record who shall perform all of the duties required of the
15 original architect or engineer of record. The building official shall be notified in writing by the
16 owner if the architect or engineer of record is changed or is unable to continue to perform the
17 duties.

18 The architect or engineer of record shall be responsible for reviewing and
19 coordinating all submittal documents prepared by others, included deferred submittal items,
20 for compatibility with the design of the building.

21 **106A.3.4.2 Site permit.** For any work or project for new construction, major alterations, or
22 otherwise requiring plan review or entitlement by the Planning Department, the property owner or
23 owner’s agent may apply for a A site permit. The site permit shall be issued by the Building Official
24 after the Planning Department completes its review and has issued any required authorizations,
25 approvals, or certifications required by the project under the Planning Code, and after the Building

1 Official completes the review outlined in subsection 106A.3.4.2.2. No construction work shall be done
2 under the site permit. Construction may proceed after the appropriate addenda have been issued
3 pursuant to subsection 106A.3.4.2.3. ~~may be issued for the construction or major alteration, as that~~
4 ~~term is defined by the Building Official, of a building or structure upon approval of preliminary~~
5 ~~drawings and before the entire working drawings and specifications of the building or structure have~~
6 ~~been completed and submitted for approval.~~

7 **106A.3.4.2.1 Contents of site permit application. The site permit application shall consist of:**

8 **1. Completed form. The completed application form, pursuant to section 106A.3.1.**

9 **2. Preliminary plans and drawings.**

10 a. Architectural Plans. Architectural plans that include plot plan, floor plans
11 (existing and new), sections, and elevations to describe the general scope of work. Submit two sets if
12 applying in paper format.

13 b. Structural Design Criteria Document. For projects subject to Structural Design
14 Review, see Administrative Bulletin 082 as may be amended from time to time. If applying in paper
15 format, the site permit application shall include two sets of the Structural Design Criteria Documents.

16 c. Green Building Submittal. For projects subject to green building regulations, the
17 application shall include the information required under Administrative Bulletin 093 as may be
18 amended from time to time.

19 **3. Information required for site permit review. The following shall be included for site**
20 **permit review:**

21 a. Building Information and Data. Sufficient information to establish that the
22 project meets minimum standards for the scope of work, use and occupancy group classifications,
23 construction type, number of stories, and basements, height, and sprinkler provisions.

24 b. Allowable Height, Story, and Area. Tabulation of the actual and allowable
25 height, story, and area, with computations to document analysis, including sprinkler and area

1 modification provisions where applicable. For new buildings, tabulation of the gross area for all
2 basements and stories individually, and a summation of the total building area. For alterations with
3 vertical and/or horizontal additions, tabulation of the gross area for the existing building and for the
4 additional area (or reduced area). Values for all basements and stories shall be provided individually.
5 summation of the total building area.

6 c. Exterior Wall and Opening Protection. A plot plan locating the building, and
7 adjoining properties and buildings, and public ways. Location and dimension of property lines, both
8 real and assumed in cases of two or more buildings on the same lot regulated as separate buildings.

9 d. Means of Egress. Occupant loads and analysis of the Means of Egress system,
10 including diagonal dimensions of spaces requiring two or more exits and the exit separation
11 distances, and diagonal dimensions of each story or portion thereof requiring two or more exits and the
12 exit separation distances. From the most remote point in a story or portion thereof to an exit, exit
13 access travel distances must be documented. Where applicable, the common path of egress travel
14 distance from the most remote point in a space, in a story or portion thereof, must be documented.
15 Travel distances shall be measured rectilinearly at right angles except where the direction of travel is
16 guided by walls or other permanent architectural features.

17 4. Fees. Such preliminary drawings and specifications shall clearly indicate the nature,
18 character and extent of the work proposed. The application procedure shall comply with Sections
19 106A.1 through 106A.4 except for the completeness of plans. The permit issuance fees and plan
20 review fees shall be as set forth in Section 110A, Table 1A-A – Building Permit Fees, and
21 Table 1A-B – Other Building Permit and Plan Review Fees, and shall be calculated on the
22 basis of the total valuation of the work. ~~No construction work shall be done under the site permit.~~
23 ~~Construction may proceed after the appropriate addenda have been issued. In no case shall~~
24 ~~construction exceed the scope of the issued addenda.~~

1 **106A.3.4.2.2 Scope of site permit review.** The purpose of a site permit is to allow the
2 Department to review the preliminary conceptual and schematic designs of proposed construction
3 while the Planning Department completes its review and issues any required approvals or
4 authorizations under the Planning Code. To expedite the permit review process, the Department shall
5 distribute the site permit to the Planning Department, Fire Department, and any other department that
6 may need to review the site permit such that all interdepartmental review is conducted simultaneously.

7 The scope of review of the site permit is limited. The Building Official reviews the site permit to
8 assure that there are no major issues with the proposed construction that need resolution before
9 proceeding to detailed design of a code-complying structure. There is no detailed plan review required
10 at the time of site permit review, nor shall a site permit be withheld in order to conduct detailed plan
11 review. Detailed review of plans, along with any associated revisions, modifications, or comments, will
12 be conducted during addendum review after the site permit is issued.

13 **106A.3.4.2.3 Addenda to site permits.** The ~~S~~site ~~P~~permit must be issued prior to submittal
14 of ~~the~~ the first addendum. Plans for construction may be divided and submitted in accordance
15 with an addenda schedule submitted on the site permit drawings or on the first addendum
16 drawings. See Section 110A, Table 1A-B – Other Building Permit and Plan Review Fees – for
17 applicable fee.

18 The holder of such permit and addenda shall proceed with approved addenda work
19 at the permittee's own risk, without assurance that approvals for the remaining addenda or for
20 the entire building or structure will be granted.

21 Each addendum must be approved and issued before work shown on that addendum
22 may commence. The time allowed for review, approval, and issuance of all addenda is
23 governed by the maximum time allowed per Section 106A.4.4 and Table B – Maximum Time
24 Allowed to Complete All Work Authorized by Building Permit. The extension times may be
25 applied upon payment of a fee per Section 110A, Table 1A-J – Miscellaneous Fees. If all

LEGISLATIVE DIGEST

[Building Code - Streamlining Site Permit Review]

Ordinance amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Section 106A.3.4.2 of San Francisco Building Code allows project proponents to seek a site permit as the initial building permit for a project. Section 106A.3.4.2 provides the general contours of site permit application and review, including that the applicant submits the standard building application information along with preliminary drawings, that the Building Official reviews the preliminary drawings for major health and safety issues, and that no construction is allowed until the applicable addendum to the site permit is issued. The specific procedures for site permit review and processing are not in Section 106A.3.4.2 and are instead located in Administrative Bulletin 032.

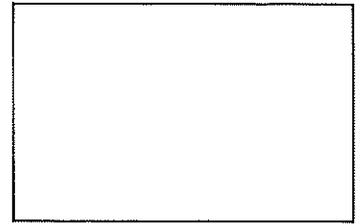
Amendments to Current Law

The Proposed Legislation would codify the site permit application and review process by outlining what information is required within the site permit application, clarifying the purpose of the site permit, defining and limiting the scope of Building Official review of the site permit, and mandating simultaneous site permit review by all City departments. Specifically, the Proposed Legislation requires a site permit application comply with Section 106A.3.1; include preliminary architectural plans and, where necessary, structural design documents and green building submittals; and provide sufficient information for the Building Official to evaluate the building occupancy, size, floor plans, and means of egress. The Proposed Legislation defines the site permit as representing the completion of review by the Planning Department—including any authorizations, approvals, variances, or entitlements required under the Planning Code—and the Building Official's determination—in consultation with the Fire Department and any other department with jurisdiction over the proposed project—that the project has no major health or safety issues that preclude proceeding to detailed design at the addenda stage. Regarding the scope of site permit review, the Proposed Legislation limits the Building Official's review to evaluating the application materials for major health and safety issues and determining whether the project may proceed to detailed design in the addenda stage. Additionally, the Proposed Legislation would mandate distributing the site permit application to all City departments with jurisdiction over the site permit so that interdepartmental review can be conducted simultaneously.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [] inquires..."
- 5. City Attorney Request
- 6. Call File No. [] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
 Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Safai, Melgar

Subject:

[Building Code - Streamlining Site Permit Review]

Long Title or text listed:

Ordinance amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor:

**Building Inspection Commission
May 17, 2023**

Agenda Item # 5

Discussion and possible recommendation regarding Board of Supervisors Ordinance (File No. 230374) amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits.

Background

In March 2023, Director O’Riordan issued a memo to Permit Services staff regarding site permit review criteria. As detailed in the memo, the site permit is a permit issued upon the approval of a building permit application based on preliminary drawings and documentation. Approval and issuance of a site permit alone does not allow for construction. Additional construction documents, submitted and approved as addenda, complete the set of approved construction documents.

The purpose of a site permit is to allow review of preliminary conceptual and schematic designs for proposed construction. DBI’s plan review of Site Permits is to assure that there are no major factors that would preclude the detailed design of a code-complying structure.

Due to the preliminary nature of the site permit, detailed plan review of construction documents is not required at the time of Site Permit review. Such detailed plan review is done at the time of addendum review.

Existing Law

Section 106A.3.4.2 of San Francisco Building Code allows projects to seek a site permit as the initial building permit for a project. Section 106A.3.4.2 provides the general contours of site permit application and review, including that the applicant submits the standard building application information along with preliminary drawings, that the Building Official reviews the preliminary drawings for major health and safety issues, and that no construction is allowed until the applicable addendum to the site permit is issued. The specific procedures for site permit review and processing are not in Section 106A.3.4.2 and are instead located in Administrative Bulletin 032.

Proposed Amendments to Existing Law

The proposed ordinance would codify the site permit application and review process by outlining what information is required within the site permit application, clarifying the purpose of the site permit, defining and limiting the scope of Building Official review of the site permit, and mandating simultaneous site permit review by all City departments.

Specifically, the ordinance requires a site permit application comply with Section 106A.3.1, include

preliminary architectural plans and, where necessary, structural design documents and green building submittals, as well as provide sufficient information for the Building Official to evaluate the building occupancy, size, floor plans, and means of egress.

The proposed ordinance defines the site permit as representing the completion of review by the Planning Department—including any authorizations, approvals, variances, or entitlements required under the Planning Code—and the Building Official’s determination—in consultation with the Fire Department and any other department with jurisdiction over the proposed project—that the project has no major health or safety issues that preclude proceeding to detailed design at the addenda stage.

The proposed ordinance limits the Building Official’s review to evaluating the application materials for major health and safety issues and determining whether the project may proceed to detailed design in the addenda stage.

Additionally, the proposed ordinance would mandate distributing the site permit application to all City departments with jurisdiction over the site permit so that interdepartmental review can be conducted simultaneously.

Ordinance to Amend the Building Code to Outline the Site Permit Application Process and Define and Limit the Scope of Review

Building Inspection Commission – Agenda Item #5

May 17, 2023

File No. 230374

Discussion and possible recommendation regarding Board of Supervisors Ordinance (File No. 230374) amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits.

The way it is now

In March 2023, Director O’Riordan issued a memo clarifying the criteria for DBI’s Site Permit review.

The purpose of a Site Permit is to allow review of preliminary conceptual and schematic designs for proposed construction and to ensure there are no major factors that would preclude the detailed design of a code-complying structure.

Detailed plan review of construction documents is not required at the time of Site Permit Review. Such detailed plan review is reserved for the time of addendum review.

Proposed changes

- The proposed ordinance would codify the site permit application and review process by outlining what information is required within the site permit application, clarifying the purpose of the site permit, defining and limiting the scope of Building Official review of the site permit, and mandating simultaneous site permit review by all City departments.
- Requires a site permit application provide sufficient information for the Building Official to evaluate the building occupancy, size, floor plans, and means of egress.
- Limits the Building Official's review to evaluating the application materials for major health and safety issues and determining whether the project may proceed to detailed design in the addenda stage.



THANK YOU