

***BIC Special Meeting  
of  
June 13, 2023***

***Agenda Item 2***



May 25, 2023

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

Re: 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.

Honorable Members of the Commission:

The May 24, 2023 special meeting of the full Code Advisory Committee (CAC) voted unanimously to make a recommendation to the Building Inspection Commission (BIC) that they approve Ordinance (File No. 230374) with 5 added recommendations.

- 1) Concurrent review of Site Permits with all other departments
- 2) Provide an accessible path of travel from public transit to the building entrance
- 3) Provide slope protection act checklist when required by site location
- 4) Provide fire department access to the site and fire flow documentation
- 5) On page 3 line 22 strike out ~~meets minimum standards and~~ and replace with "is generally consistent with code requirements"

Respectfully submitted,

A handwritten signature in blue ink that reads "Thomas Fessler".

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  
Carl Nicita, Legislative Affairs Manager  
Ned Fennie, AIA, Chair, Code Advisory Committee

Attach: File No. 230374

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
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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

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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](mailto: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 **double-underlined 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~~ermit must be issued prior to submittal  
14 of ~~1st~~ 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.

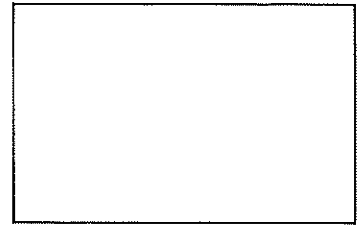
### Amendments to Current Law

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**  
**June 13, 2023**

**Agenda Item #2**

**Discussion and possible action 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.

#### **Code Advisory Committee Recommendation**

The Code Advisory Committee met on May 24, 2023 and voted unanimously to make a recommendation to the BIC to approve the proposed ordinance with five recommendations:

1. Concurrent review of Site Permits with all other departments
2. Provide an accessible path of travel from public transit to the building entrance
3. Provide slope protection act checklist when required by site location
4. Provide fire department access to the site and fire flow documentation
5. On page 3, line 22 strike “meets minimum standards” and replace with “is consistent with code requirements.”

#### **DBI Staff Recommendation**

DBI staff recommends approval of the ordinance with the following modifications:

##### *Amendment #1*

In Section 106A.3.4.2 Site permit, require concurrent review of the site permit application while Planning Department completes its entitlement review, and concurrent issuance when Planning Department issues any required authorizations, approvals or certifications required under the Planning Code.

This amendment would conform with the goals of the Site Permitting reform project underway with DBI, Planning and the Permit Center, which has been underway since last year and is a pillar of Mayor Breed’s Housing for All plan. That proposal will bifurcate the current Site Permit review process to

substantially reduce the overall development timeline by standardizing the process and eliminating redundant stages during project and permit review.

#### *Amendment #2*

Remove Section 106A.3.4.2.1 Contents of site permit application and Section 106A.3.4.2.2 Scope of site permit review. The contents of a site permit application exist in Administrative Bulletin 032, and the scope of site permit review is detailed in a memo from Director O’Riordan issued on March 20, 2023 to Permit Services staff.

The legislation as proposed codifies the existing criteria and the scope of review in the Building Code which could impede DBI’s ongoing streamlining efforts, because the legislative process to amend the Building Code is lengthy.

The process to change Administrative Bulletins on the other hand is more agile, and still requires BIC review, which allows for a transparent and public process.

# **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 #2

June 13, 2023

# File No. 230374

*Discussion and possible action 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.

# Code Advisory Committee Recommendation

The Code Advisory Committee met on May 24, 2023 and voted unanimously to make a recommendation to the BIC to approve the proposed ordinance with five recommendations:

1. Concurrent review of Site Permits with all other departments
2. Provide an accessible path of travel from public transit to the building entrance
3. Provide slope protection act checklist when required by site location
4. Provide fire department access to the site and fire flow documentation
5. On page 3, line 22 strike “meets minimum standards” and replace with “is consistent with code requirements.”

# DBI Staff Recommendation

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*

Supervisors Safai; Melgar  
BOARD OF SUPERVISORS

Page 2

## Amendment #1:

In Section 106A.3.4.2 Site permit, require **concurrent review** of the site permit application while the Planning Department completes its entitlement review, and **concurrent issuance** when the Planning Department issues any required authorizations, approvals or certifications required under the Planning Code.

# DBI Staff Recommendation

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

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

## Amendment #2:

Remove Section 106A.3.4.2.1 Contents of site permit application and Section 106A.3.4.2.2 Scope of site permit review. The contents of a site permit application exist in Administrative Bulletin 032, and the scope of site permit review is detailed in a memo from Director O’Riordan issued on March 21, 2023 to all Plan Review and Permit Processing staff.



**THANK YOU**