

***BIC Regular Meeting
of
December 13, 2023***

Agenda Item 8

Update on Implementation of Assembly Bill 1114 Requirements for Housing Development Approvals

Building Inspection Commission – Item #10

December 13, 2023

AB 1114 (Haney)

Effective January 1, 2024 for post-entitlement permits for housing development:

- Website resources
- Application completeness determination
- Time limits to review project code compliance
- Exceptions to time limits
- Appeals

Website Resources

- Lists specifying detailed information that will be required from any applicant for a post-entitlement phase permit
- Complete approved applications and complete post-entitlement phase permits for accessory dwelling unit, duplex, multifamily, mixed use, and townhome, etc.
- Online application

Status:

- Department post-entitlement phase permits and information finalized
- Submittal guidelines drafted for January 1, 2024, launch
- Digital form/submission specifications completed

Application Completeness Determination

- 15 business days from receipt of the application to determine whether a post-entitlement phase permit application is complete
- Completeness determination is limited to the items in the initial list of application requirements
- Notice to applicant of completeness determination
- If application is incomplete and applicant resubmits the application, 15 business day review restarts
- Failure to respond to the originally submitted or resubmitted application within 15 business days → application deemed complete

Status:

- Preliminary staff workflow specifications completed
- Drafts of customer correspondence for application submission status and completeness check under review

Project Review Time Limits

- **25 units or fewer:** City shall complete review within 30 business days
 - If the complete application is not code compliant, return in writing a full set of comments to the applicant with a comprehensive request for revisions (resubmittals are subject to same timelines)
 - If the project is code compliant, issue permit
- **26 units or more:** City shall complete review within 60 business days
 - If the complete application is not code compliant, return in writing a full set of comments to the applicant with a comprehensive request for revisions (resubmittals are subject to same timelines)
 - If the project is code compliant, issue permit
- City is not limited in the amount of feedback it provides or revisions it may request

Status:

- Reporting requirements under development
- Department SWAT meetings to align prioritizing work

Exceptions to Project Review Time Limits

- Time limits do not apply if a project may have a specific, adverse impact on public health or safety and that additional time is necessary to process the application
 - Requires written findings based on substantial evidence of each individual permit application
 - Must be based on objective and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete
- Time limits are tolled if the permit requires review by an outside governmental entity

Status:

- Departments must develop written standards for specific, adverse impacts (i.e. through an Administrative Bulletin)

Appeals

- **Application Completeness and Code Compliance Determinations**
 - Applicant may appeal determination that the application is incomplete or the project is not code compliant to the **Building Inspection Commission**
 - Final determination of appeal must be issued within 60 business days for projects with 25 units or fewer and 90 business days for projects with 26 or more units
- **No Post-Issuance Appeals of Code Compliant Permits**
 - Once a project is determined to be code compliant, the City must not hold any appeals or additional hearings (permits cannot be appealed to the Board of Appeals)

Status:

- DBI must develop application completeness and code compliance determination appeal process for the Building Inspection Commission



THANK YOU