

LEGISLATIVE DIGEST

[Planning and Building Codes - Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit]

Ordinance amending the Planning Code to: create a time-limited amnesty program for properties listed on the Department of Building Inspection's Internal Quality Control Audit and subject to a Notice of Violation; consider those properties as noncomplying structures and nonconforming uses following certification; and waive fees and penalties associated with the Planning Department's review of requests for amnesty, and refund any fees and penalties already paid by amnesty projects; amending the Building Code to: require certification of existing conditions for amnesty projects; prohibit expansion or intensification of non-complying amnesty structures; create a streamlined process for reviewing amnesty project applications; and waive fees associated with amnesty projects, and refund any fees and penalties already paid by amnesty projects; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of necessity and convenience under Planning Code, Section 302

Existing Law

Article 1.7 of the Planning Code generally requires structures and land to be used only for permitted and approved purposes. Pursuant to Planning Code Section 174, the requirements in the Planning Code, conditions of approval, or other special restrictions are enforceable as requirements. Section 175 also requires project sponsors to obtain permits for uses, and the construction of any structure.

Amendments to Current Law

This ordinance would create a time-limited amnesty program for any project that is issued a notice of violation pursuant to the Department of Building Inspection's (DBI) Internal Quality Control Audit. For such properties, the ordinance would amend the Planning Code to not require strict compliance with the Planning Code, and instead, treat the existing structures and uses as noncomplying structure and/or nonconforming use. Although the properties may receive amnesty, the noncompliance may not be intensified. The Director of the Planning Department would be responsible for determining the degree of noncompliance.

The ordinance would require that the property owner obtain a certification from DBI regarding the degree of noncompliance with the Planning Code. The ordinance would not relax any Building Standard, and require that any notice of violation for failure to comply with the Building Code requires a Building Permit.

The amnesty in this program would sunset five years after the effective date of the ordinance.

Background Information

In May 2021, DBI initiated an the Internal Quality Control Audit (“Audit”) – a review of properties that were associated with Rodrigo Santos and former Inspector Bernard Curran. DBI identified 5,445 properties for review (“Audit Properties”). The Audit identified three Tiers of properties: (1) Tier 1: those that were associated with both Santos and Curran – 119 properties; (2) Tier 2: those associated with Santos or Curran and in a slope protection area – 158 properties; and (3) Tier 3: those associated with Santos or Curran but not in a slope protection area – 5,168 properties. Within the scope of the audit, DBI auditors have looked for evidence of work beyond the scope of the permit, unpermitted work, missing inspections, missing slope protection review, missing trade permits, missing special inspections, and complaints that were not investigated. DBI completed the Audit in January 2025, and did not find any imminent life-safety hazards. Most of the Audit Properties, were cleared without DBI issuing a notice of violation, including all Audit Properties in Tier 3. As of January 2025, DBI had issued notices of violation for approximately 100 Audit Properties in Tiers 1 and 2. This ordinance is intended to allow property owners to clear the notices of violation.

Many owners of the Audited Properties that received NOV's purchased the property after renovations had been completed and were unaware that unauthorized work had been done. For some of these properties, the work needed to abate a violation can be costly, leaving these owners responsible for tens of thousands of dollars in unanticipated permit and architectural fees. To provide relief for these property owners, this ordinance amends the Planning and Building Codes to create a time-limited amnesty program for properties that have been issued NOV's pursuant to the Audit.

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