File No. 250191 **Committee Item No.** 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Brent Jalipa **Date** July 25, 2025
Completed by: Brent Jalipa **Date** _____

[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.

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

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

Section 1. Environmental and General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 250191 and is incorporated herein by reference. The Board affirms this determination.

(b) On May 1, 2025, the Planning Commission, in Resolution No. 21729, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 250191, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the Planning Code amendments in this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 21729, and the Board incorporates such reasons herein by reference.

(d) On April 17, 2025, at a duly noticed public hearing, the Building Inspection Commission considered this ordinance in accordance with Charter Section 4.121 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection Commission regarding the Commission's recommendation is on file with the Clerk of the Board of Supervisors in File No. 250191.

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

Section 2. Legislative Findings.

(a) In January 2023, Rodrigo Santos, a building and construction engineer who did business in San Francisco, was found guilty of leading multiple fraud schemes, tax evasion, and providing falsified documents to the Federal Bureau of Investigations. Santos had defrauded his clients, submitted false plans to the Department of Building Inspection ("DBI") and worked beyond the scope of his permits dozens of times. He also stole money from his clients by misrepresenting the fees that were due to DBI and keeping the difference.

(b) In July 2023, former DBI Inspector Bernie Curran was found guilty of accepting illegal gratuities for personal gain in connection with building inspections he performed. Santos had made payments to Curran to approve illegal work including unauthorized demolitions and unpermitted construction.

(c) In May 2021, DBI initiated the Internal Quality Control Audit ("Audit") – a review of properties that were associated with Rodrigo Santos and former Inspector Bernard Curran.

(d) 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.

(e) 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.

(f) 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

("NOV"), including all Audit Properties in Tier 3. As of January 2025, DBI had issued NOVs for approximately 100 Audit Properties in Tiers 1 and 2.

(g) Many owners of the Audited Properties that received NOVs purchased the property after renovations had been completed and were unaware that unauthorized work had been done.

(h) 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.

(i) 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 NOVs pursuant to the Audit.

Section 3. Article 1.7 of the Planning Code is hereby amended by adding Section 187, to read as follows:

SEC. 187. AUDIT PROPERTIES; AMNESTY PROGRAM.

*(a) **Intent.** The purpose of this amnesty program is to provide relief from strict compliance with the Planning Code for properties subject to Notices of Violation ("NOV") issued by the Department of Building Inspection as part of its Internal Quality Control Audit ("Audit"). The Audit identified approximately 5,500 properties that could have been subject to permitting and inspection irregularities. Pursuant to the Audit procedures, these properties were subject to additional review by DBI. As of January 1, 2025, DBI had issued approximately 100 NOVs as a result of the Audit.*

*(b) **Limitations.** This Section 187 does not alter, modify, waive, or otherwise change the City's legal defenses to and immunity from any responsibility or liability for harm caused by the conduct of any permit expediter, engineer, architect of record, or other design professional, such as Rodrigo Santos, or inspections by City employees, such as Bernard Curran, or anyone acting on behalf of or in*

concert with those individuals. The amnesty provided in this Section 187 does not relieve any property owner from complying with the Building Code or obtaining final legal inspection for any work subject to the Audit.

*(c) **Definitions.** For purposes of this Section 187 the following definitions shall apply:*

"Audit" means the Department of Building Inspection's Internal Quality Control Audit, as it may be updated.

"NOV Property" means any property identified in the Audit that is or has been subject to a NOV arising from the Audit.

*(d) **Amnesty Determination.** Notwithstanding any other provision of this Code, upon a written determination of the existing conditions made by the Planning Director ("Director") or the Director's designee pursuant to subsection (e), the physical condition and use of any NOV Property shall be considered an existing noncomplying structure and/or nonconforming use subject to this Article 1.7, after the property owner abates the NOV by obtaining a final certification of noncomplying conditions from the Department of Building Inspection pursuant to Building Code Section 106A.6, or a Building Permit.*

*(e) **Planning Determination of Nonconformity and Noncompliance.** The Director or their designee shall document the degree of nonconformity or noncompliance for each NOV Property that is granted amnesty under this Section 187. The Director's determination of the degree of nonconformity and/or noncompliance shall be based on any of the following: (1) historical photographs; (2) publicly available information, including any NOVs; (3) current photographs provided by the applicant, including photographs showing the NOV Property; (4) drawings provided by the applicant prepared by a state licensed contractor, architect, or registered engineer depicting the width, depth, height, projection, elevation, and other key characteristics of the NOV Property; (5) site inspections by the Planning Department, Department of Building Inspection, or other department having jurisdiction to perform such an inspection, if requested; and (6) any other document or information the Director*

deems relevant. Such determination shall be provided to the Department of Building Inspection under Building Code Section 106A.6. It shall be the obligation of the property owner to demonstrate eligibility for amnesty under this Section 187. The Director's determination regarding the degree of nonconformity or noncompliance shall not be subject to appeal.

*(f) **Waiver of Fees.** The Planning Department shall waive all fees for applications or other actions under this Section 187. The Planning Department shall also refund any permit fees or enforcement fees and penalties related to abating a NOV issued pursuant to the Audit, regardless of whether the fees or penalties were paid prior to the effective date of the ordinance in Board File No. 250191.*

*(g) **Relationship to Planning Code.** Pursuant to the provisions of this Section 187 and Building Code Section 106A.6, NOV Properties subject to the Audit may receive amnesty from the Planning Code and be considered existing noncomplying structures and/or nonconforming uses. Although NOV Properties may receive amnesty from strict compliance with the Planning Code for work subject to the Audit, NOV Properties may not enlarge, modify or otherwise intensify the noncomplying structures and/or nonconforming uses. Following receipt by property owner of a certification of existing conditions pursuant to Building Code Section 106A or a Building Permit to abate a NOV, any changes to the property shall be subject to the requirements of the Planning Code in effect as of the date of the subsequent work.*

*(h) **Application deadline.** Any NOV Property must submit a complete amnesty application no later than three years after the effective date of the ordinance in Board File No. 250191.*

*(i) **Sunset.** This Section 187 shall expire by operation of law five years after the effective date of the ordinance in Board File No. 250191, following which the City Attorney is authorized to cause it to be removed from the Planning Code.*

Section 4. Chapter 1A of the Building Code is hereby amended by adding Section 106A.6, consisting of Sections 106A.6.1 to 106A.6.6, to read as follows:

106A.6 Internal Quality Control Audit Amnesty Program. *This Section 106A.6 applies to Notices of Violation ("NOV") Properties, as defined in Planning Code Section 187. Planning Code Section 187 creates an amnesty program for properties subject to NOVs resulting from the Department's Internal Quality Control Audit ("Audit") by exempting those NOV Properties from strict compliance with the Planning Code, provided that the property owner obtains certification from the Department documenting the status of the noncomplying conditions. The Department shall implement the amnesty program outlined in this Section 106A.6 to document the noncomplying conditions, and expedite the abatement of NOVs associated with Audit.*

106A.6.1 Certification of Existing Conditions and Necessary Repairs: No New Construction or Intensification of Non-Conformity. *The Department shall provide a streamlined process to verify existing conditions and abate any Building Code issues; provided that the application for certification of existing conditions shall be consistent with the Information on Plans and Specification requirements provided in Section 106A.3.3, and require the property owner to designate an architect or engineer of record. The amnesty program shall not authorize new construction, additions, or any intensification of structural non-conformity beyond what is determined by the Planning Department to be a noncomplying structure and/or nonconforming use pursuant to Planning Code Section 187.*

106A.6.2 Abatement of Notices of Violation. *A certification pursuant to this Section 106A.6 shall be sufficient to abate a pending NOV related to failure to comply with the Planning Code. Building Code violations must be brought into compliance with all applicable building standards.*

106A.6.3 No Relaxation of Building Standards. *The certification process in this Section 106A.6.3 may be used to abate a NOV based on failure to comply with the Planning Code, but nothing in this Section 106A.6 relaxes or suspends any building standards or the obligation to obtain a Building Permit to abate a NOV premised upon violations of the Building Code.*

106A.6.4 Waiver of Fees. *Notwithstanding any other provision of the Building Code, the Department shall waive all fees for applications and inspections necessary to obtain a certification pursuant to this Section 106A.6 and building permits necessary to abate any NOV issued pursuant to the Audit, including the application fee for plan review, permit issuance fee for inspections, and any enforcement fees and penalties, such as inspection fees required under Section 107A.5 for work without a permit. The Department shall refund any permit fees and any related enforcement fees and penalties associated with abating a NOV for failure to comply with the Building Code issued pursuant to the Audit, regardless of whether the fees were paid prior to the effective date of the ordinance in Board File No. 250191.*

106A.6.5 Streamlined Application Process. *The Department shall develop a streamlined application process to facilitate and expedite review of applications filed under this Section 106A.6.*

106A.6.6 Sunset. *This Section 106A.6 shall expire by operation of law five years after the effective date of the ordinance in Board File No. 250191, following which the City Attorney is authorized to cause it to be removed from the Building Code.*

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
Austin M. Yang
Deputy City Attorney

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FILE NO. 250191

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 NOVs 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 NOVs pursuant to the Audit.

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Item 1 File 25-0191 *(Continued from July 23, 2025)*	**Departments:** Building Inspection and Planning Department

EXECUTIVE SUMMARY

Legislative Objectives

- The ordinance adds Section 187 to the Planning Code and Section 106A to the Building Code to waive penalties and permit fees and grant amnesty from Planning Code enforcement for property owners who have received a Notice of Violation resulting from DBI's Internal Quality Control Audit. The new code sections would remain in effect for five years following approval of the ordinance however property owners would have three years to apply for the fee waivers.

Key Points

- DBI completed an Internal Quality Control Audit of properties associated with former Building Inspector Bernard Curran and Building Inspection Commissioner Rodrigo Santos. DBI investigators found no imminent life-safety hazards, but 177 properties were flagged for potential Building and Planning Code violations. Following the required in-person inspections of the 177 red flag properties, as of June 2025, 136 DBI Notice of Violations (NOVs) have been issued for these properties and 41 remain under investigation.
- Applicants to this program will be prioritized by DBI inspectors, who will verify existing conditions, including the extent of non-compliance with the Building Code. Property owners must resolve any Building Code violations. The Planning Department would provide a determination of the property's non-conformance with the Planning Code.
- The City is not paying for any work property owners must complete to comply with the Building Code; it is just waiving fees and penalties for being out of compliance with the Building and Planning Codes.

Fiscal Impact

- The proposed fee waivers would result in approximately $924,226 in foregone revenue. DBI is forgoing approximately $857,579 in revenue, representing about one percent of its FY 2025-26 budget. The Planning Department is forgoing $66,647 in fee revenues, representing less than 0.5 percent of its FY 2025-26 budget. Both Departments report they can absorb these costs without impacting services.

Policy Consideration

- The proposed fee waivers assume property owners did not collude with Bernard Curran and Rodrigo Santos to undertake unpermitted building work. DBI's audit did not investigate those connections. As a result, the proposed Planning Code amnesty program and fee/penalty waivers may provide a financial benefit for illegal activity. In addition, the audit scope used to determine eligibility for this program did not review approximately 10,000 properties that were inspected by Curran, so the full extent of the Building and Planning Code violations from his conduct is not known.

Recommendation

- Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

MANDATE STATEMENT

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

BACKGROUND

Department of Building Inspection's Internal Quality Control Audit

In May 2021, the San Francisco Department of Building Inspection (DBI) commenced an Internal Quality Control Audit, focusing on properties associated with two individuals: (1) former Senior Building Inspector Bernard Curran, who was convicted of taking illegal gratuities in exchange for inspection approvals, and (2) engineer, permit expediter, and former president of the Building Inspection Commission, Rodrigo Santos, who was prosecuted for forging documents, overcharging clients, and facilitating unpermitted work. The audit was finalized in June 2025.

DBI Internal Quality Control Audit Methodology

Curran and Santos provided services for 15,281 properties during their tenure at DBI. DBI narrowed its scope based on risk factors, ultimately selecting 5,445 properties for review. Properties were included if they involved: (1) same-day inspections scheduled by Curran, or (2) projects directly associated with Santos. These properties were categorized into three risk-based tiers to prioritize review.

Tier 1 included 119 properties associated with both Curran and Santos, representing the highest risk category. Tier 2 contained 158 properties associated with either Curran or Santos, but not both, and located within slope-protection areas subject to stricter building requirements. Tier 3 included the remaining 5,168 properties associated with either Santos or Curran but located outside slope-protection areas, representing lower-risk properties.

DBI's audit employed a three-phase process. Initially, DBI staff conducted a screening by reviewing permit records, inspection documentation, and digital resources such as Google Street View, Zillow, and Redfin. This step identified properties with discrepancies between permitted and actual work or potential unpermitted work requiring further investigation.

Subsequently, flagged properties underwent a secondary review to confirm issues and classify them by severity. DBI categorized properties into those having minor administrative issues, such as expired permits, and those with significant discrepancies necessitating formal enforcement.

In the final phase, properties identified with minor administrative concerns, such as expired permits, received formal written notifications advising property owners how to resolve these issues. Properties confirmed to have significant code discrepancies were referred directly to DBI's Complaint Investigation Team for on-site inspections and formal enforcement, potentially resulting in Notices of Violation (NOVs).

Audit Findings

DBI investigators concluded the Audit in January 2025 and found no imminent life-safety hazards but flagged 294 properties for follow-up due to significant physical discrepancies, missing records, or other evidence of unpermitted work. Of those, 177 properties were flagged for potential Building and Planning Code violations. DBI began the required in-person inspections of the 177 red flag properties and, as of June 2025, 136 DBI Notice of Violations (NOVs) have been issued for these properties. The remaining 41 properties are still under investigation by the DBI Code Enforcement Division due to limited access, owner nonresponse, or other delays. These complaints will remain open until resolved.

According to the proposed ordinance, some owners purchased these properties after the illegal or unapproved work had been completed or were otherwise unaware of any deviations from the typical inspection process by Curran or Santos. The properties may require work to bring them into compliance with the Building Code, however, this would be the responsibility of the property owner and is not included in this waiver program.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance adds Section 187 to the Planning Code and Section 106A to the Building Code, which waive penalties and permit fees and grant amnesty from Planning Code enforcement for property owners who have received a Notice of Violation resulting from DBI's Internal Quality Control Audit. The new code sections would remain in effect for five years following approval of the ordinance however property owners would have three years to apply for the fee waivers.

Applicants to the amnesty program would (1) receive a waiver/refund of all penalties for having unpermitted work, (2) a waiver/refund for the cost on obtaining the proper permits, and (3) receive a property classification of non-conforming use, allowing the property to remain out of compliance with Planning Code, as long as the conditions do not violate Building Code, pose a danger to health or safety, and the degree of non-conformity is not increased.

To qualify, a property must (1) be listed in the DBI Internal Quality Control Audit records and (2) have received a Notice of Violation linked to unpermitted work identified in DBI's Audit.

Process

According to DBI, residents who are issued an NOV in response to DBI's Audit will be notified about the amnesty program and informed about the requirements and deadlines. During the five-year period, owners of audit-identified properties with outstanding NOVs can apply by submitting an amnesty application which provides evidence of the structure's existing conditions. Applicants will be prioritized by DBI inspectors, who will verify existing conditions, including the extent of non-compliance with the Building Code. Property owners must resolve any Building Code violations. The City is not paying for any work property owners must complete to comply with the Building Code; it is just waiving fees and penalties for being out of compliance with the Building and Planning Codes.

After a DBI official confirms the status of the property, the Planning Department would be able to provide a non-conforming determination, effectively locking-in the state of the building indefinitely. Under normal circumstances, the Planning Code's existing non-conforming provisions only cover structures or uses that were once legal but later became illegal because of zoning changes. However, this ordinance allows properties to be deemed non-complying with Planning Code for amnesty purposes even if they were never legal to begin with, so long as they qualify with the criteria listed above.

Once final approval is granted, DBI and Planning would waive or refund all fees and penalties directly connected to the Audit-related NOVs and use the documented housing condition as a new baseline to prevent intensification of non-compliance. Once the amnesty application period closes, owners who have not taken advantage of the program will be subject to standard City enforcement mechanisms. If an NOV on a given property remains unresolved, no further Building and Planning permits may be issued, and the City may issue a lien on the property and file a lawsuit against the property owner.

FISCAL IMPACT

By waiving and refunding fees and penalties, the City would forgo approximately $924,226 in revenue it could have received through normal enforcement. DBI is forgoing approximately $857,579 in revenue, representing about one percent of its FY 2025-26 budget. The Planning Department is forgoing $66,647 in fee revenues, representing less than 0.5 percent of its FY 2025-26 budget.

Exhibit 1 below summarizes the sample-based projection of forgone fee revenue. DBI's fee revenue loss is estimated to be assuming $50,000 of unpermitted work per property. The actual amount of forgone fee revenue is subject to change based on the actual work required to bring the property into compliance with the Building Code.

Exhibit 1: Total Forgone Revenue Estimate

Category	Value
DBI	$857,5789
Planning	$66,647
Estimated Total	**$924,226**

Source: DBI and Planning

Although DBI has already concluded its Audit, DBI and Planning staff time will be needed to implement a streamlined review of amnesty applicants, resolve all NOV's by either documenting properties' existing conditions (if Planning Code violation) or approving properties after required renovations due to Building Code violations, and ensure the waived fees or refunds are properly administered. According to DBI, this unfunded work will equate to less than 1 percent of the annual workload.

Funding Source

Typically, fees and penalties collected from NOVs are used to cover the cost of enforcement. By foregoing this revenue, DBI and Planning will need to absorb these costs. According to DBI, this can be done by drawing on reserve funds. The Planning Department is planning to absorb the cost by reducing expenditures in the department's Enforcement Program.

POLICY CONSIDERATION

The proposed fee waivers assume property owners did not collude with Bernard Curran and Rodrigo Santos to undertake unpermitted building work. DBI's audit did not investigate those connections. As a result, the proposed planning code amnesty program and fee/penalty waivers may provide a financial benefit for illegal activity. At the same time, the investigation necessary to determine the extent of unethical behavior would almost certainly exceed the roughly $900,000 in estimated fee waivers.

In addition, the DBI audit did not include approximately 10,000 properties that Bernard Curran was involved with during his career. DBI limited the audit to about 5,445 of 15,281 properties, focusing on same-day inspections scheduled by Curran and projects directly associated with Santos. Auditing all 15,281 properties could require an additional eight years of work beyond the nearly four years spent from May 2021 to January 2025 auditing approximately 5,000 properties. By not comprehensively auditing all properties, the full extent of permitting or inspection problems remains unknown. Buyers purchasing any of these properties could unknowingly inherit responsibility for correcting costly code violations and are not included in the proposed amnesty program.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Item 2 File 25-0191	Department: Building Inspection

EXECUTIVE SUMMARY

Legislative Objectives

- The ordinance adds Section 187 to the Planning Code and Section 106A to the Building Code to waive penalties and permit fees and grant amnesty from Planning Code enforcement for property owners who have received a Notice of Violation resulting from DBI's Internal Quality Control Audit. The new code sections would remain in effect for five years following approval of the ordinance however property owners would have three years to apply for the fee waivers.

Key Points

- DBI completed an Internal Quality Control Audit of properties associated with former Building Inspector Bernard Curran and Building Inspection Commissioner Rodrigo Santos. DBI investigators found no imminent life-safety hazards but 177 properties were flagged for potential Building and Planning Code violations. Following the required in-person inspections of the 177 red flag properties, as of June 2025, 136 DBI Notice of Violations (NOVs) have been issued for these properties and 41 remain under investigation.
- Applicants to this program will be prioritized by DBI inspectors, who will verify existing conditions, including the extent of non-compliance with the Building Code. Property owners must resolve any Building Code violations. The Planning Department would provide a determination of the property's non-conformance with the Planning Code.
- The City is not paying for any work property owners must complete to comply with the Building Code; it is just waiving fees and penalties for being out of compliance with the Building and Planning Codes.

Fiscal Impact

- The proposed fee waivers would result in approximately $924,226 in foregone revenue it could have received through normal enforcement. DBI is forgoing approximately $857,579 in revenue, representing about one percent of its FY 2025-26 budget. The Planning Department is forgoing $66,647 in fee revenues, representing less than 0.5 percent of its FY 2025-26 budget. Both Departments report they can absorb these costs without impacting services.

Policy Consideration

- The proposed fee waivers assume property owners did not collude with Bernard Curran and Rodrigo Santos to undertake unpermitted building work. DBI's audit did not investigate those connections. As a result, the proposed planning code amnesty program and fee/penalty waivers may provide a financial benefit for illegal activity. In addition, audit scope used to determine eligibility for this program did not review approximately 10,000 properties that were inspected by Curran, so the full extent of the Building and Planning Code violations from his conduct is not known.

Recommendation

- Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

MANDATE STATEMENT

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

BACKGROUND

Department of Building Inspection's Internal Quality Control Audit

In May 2021, the San Francisco Department of Building Inspection (DBI) commenced an Internal Quality Control Audit, focusing on properties associated with two individuals: (1) former Senior Building Inspector Bernard Curran, who was convicted of taking illegal gratuities in exchange for inspection approvals, and (2) engineer, permit expediter, and former president of the Building Inspection Commission, Rodrigo Santos, who was prosecuted for forging documents, overcharging clients, and facilitating unpermitted work. The audit was finalized in June 2025.

DBI Internal Quality Control Audit Methodology

Curran and Santos provided services for 15,281 properties during their tenure at DBI. DBI narrowed its scope based on risk factors, ultimately selecting 5,445 properties for review. Properties were included if they involved: (1) inspections conducted by Curran outside his assigned jurisdiction or same-day inspections he scheduled, or (2) projects directly associated with Santos. These properties were categorized into three risk-based tiers to prioritize review.

Tier 1 included 119 properties associated with both Curran and Santos, representing the highest risk category. Tier 2 contained 158 properties associated with either Curran or Santos, but not both, and located within slope-protection areas subject to stricter building requirements. Tier 3 included the remaining 5,168 properties associated with either Santos or Curran but located outside slope-protection areas, representing lower-risk properties.

DBI's audit employed a three-phase process. Initially, DBI staff conducted a screening by reviewing permit records, inspection documentation, and digital resources such as Google Street View, Zillow, and Redfin. This step identified properties with discrepancies between permitted and actual work or potential unpermitted work requiring further investigation.

Subsequently, flagged properties underwent a secondary review to confirm issues and classify them by severity. DBI categorized properties into those having minor administrative issues, such as expired permits, and those with significant discrepancies necessitating formal enforcement.

In the final phase, properties identified with minor administrative concerns, such as expired permits, received formal written notifications advising property owners how to resolve these issues. Properties confirmed to have significant code discrepancies were referred directly to DBI's Complaint Investigation Team for on-site inspections and formal enforcement, potentially resulting in Notices of Violation (NOVs).

Audit Findings

DBI investigators concluded the Audit in January 2025 and found no imminent life-safety hazards but flagged 294 properties for follow-up due to significant physical discrepancies, missing records, or other evidence of unpermitted work. Of those, 177 properties were flagged for potential Building and Planning Code violations. Following the required in-person inspections of the 177 red flag properties, as of June 2025, 136 DBI Notice of Violations (NOVs) have been issued for these properties. The remaining 41 properties are still under investigation by the DBI Code Enforcement Division due to limited access, owner nonresponse, or other delays. These complaints will remain open until resolved.

According to the proposed ordinance, some owners purchased these properties after the illegal or unapproved work had been completed or were otherwise unaware of any deviations from the typical inspection process by Curran or Santos. The properties may require work to bring them into compliance with the Building Code, however, this would be the responsibility of the property owner and is not included in this waiver program.

DETAILS OF PROPOSED LEGISLATION

The ordinance adds Section 187 to the Planning Code and Section 106A to the Building Code to waive penalties and permit fees and grant amnesty from Planning Code enforcement for property owners who have received a Notice of Violation resulting from DBI's Internal Quality Control Audit. The new code sections would remain in effect for five years following approval of the ordinance however property owners would have three years to apply for the fee waivers.

Applicants to the amnesty program would (1) receive a waiver/refund of all penalties for having unpermitted work, (2) a waiver/refund for the cost on obtaining the proper permits, and (3) receive a property classification of non-conforming use, allowing the property to remain out of compliance with Planning Code, as long as the conditions do not violate Building Code, pose a danger to health or safety, and the degree of non-conformity is not increased.

To qualify, a property must (1) be listed in the DBI Internal Quality Control Audit records and (2) have received a Notice of Violation linked to unpermitted work identified in DBI's Audit.

Process

According to DBI, residents who are issued an NOV in response to DBI's Audit will be notified about the amnesty program and informed about the requirements and deadlines. During the five-year period, owners of audit-identified properties with outstanding NOVs can apply by submitting an amnesty application which provides evidence of the structure's existing conditions. Applicants will be prioritized by DBI inspectors, who will verify existing conditions, including the extent of non-compliance with the Building Code. Property owners must resolve any Building Code violations. The City is not paying for any work property owners must complete to comply with the Building Code; it is just waiving fees and penalties for being out of compliance with the Building and Planning Codes.

After a DBI official confirms the status of the property, the Planning Department would be able to provide a non-conforming determination, effectively locking-in the state of the building indefinitely. Under normal circumstances, the Planning Code's existing non-conforming provisions only cover structures or uses that were once legal but later became illegal because of zoning changes. However, this ordinance allows properties to be deemed non-complying with Planning Code for amnesty purposes even if they were never legal to begin with, so long as they qualify with the criteria listed above.

Once final approval is granted, DBI and Planning would waive or refund all fees and penalties directly connected to the Audit-related NOVs and use the documented housing condition as a new baseline to prevent intensification of non-compliance. Once the amnesty application period closes, owners who have not taken advantage of the program will be subject to standard City enforcement mechanisms. If an NOV on a given property remains unresolved, no further Building and Planning permits may be issued, and the City may issue a lien on the property and file a lawsuit against the property owner.

FISCAL IMPACT

By waiving and refunding fees and penalties, the City would forgo approximately $924,226 in revenue it could have received through normal enforcement. DBI is forgoing approximately $857,579 in revenue, representing about one percent of its FY 2025-26 budget. The Planning Department is forgoing $66,647 in fee revenues, representing less than 0.5 percent of its FY 2025-26 budget.

Exhibit 1 below summarizes the sample-based projection of forgone fee revenue. DBI's fee revenue loss is estimated to be assuming $50,000 of unpermitted work per property. The actual amount of forgone fee revenue is subject to change.

Exhibit 1: Total Forgone Revenue Estimate

Category	Value
DBI	$857,5789
Planning	$66,647
Estimated Total	**$924,226**

Source: DBI and Planning

Although DBI has already concluded its Audit, DBI and Planning staff time will be needed to implement a streamlined review of amnesty applicants, resolve all NOV's by either documenting properties' existing conditions (if Planning Code violation) or approving properties after required renovations due to Building Code violations, and ensure the waived fees or refunds are properly administered. According to DBI, this unfunded work will equate to less than 1 percent of the annual workload.

Funding Source

Typically, fees and penalties collected from NOVs are used to cover the cost of enforcement. By foregoing this revenue, DBI and Planning will need to absorb these costs. According to DBI, this

can be done by drawing on reserve funds. The Planning Department is planning to absorb the cost by reducing expenditures in the department's Enforcement Program.

POLICY CONSIDERATION

The proposed fee waivers assume property owners did not collude with Bernard Curran and Rodrigo Santos to undertake unpermitted building work. DBI's audit did not investigate those connections. As a result, the proposed planning code amnesty program and fee/penalty waivers may provide a financial benefit for illegal activity. At the same time, the investigation necessary to determine the amount of unethical behavior would almost certainly exceed the roughly $900,000 in estimated fee waivers.

In addition, the DBI audit did not include approximately 10,000 properties that Bernard Curran and Rodrigo Santos were involved with during their careers. DBI limited the audit to about 5,445 of 15,281 properties, focusing on inspections conducted outside Curran's jurisdiction, same-day inspections he scheduled, or projects directly associated with Santos. Auditing all 15,281 properties could require an additional eight years of work beyond the nearly four years already spent from May 2021 to January 2025 auditing approximately 5,000 properties. By not comprehensively auditing all properties, the full extent of permitting or inspection problems remains unknown. Buyers purchasing any of these approximately 10,000 properties could unknowingly inherit responsibility for correcting costly code violations and are not included in the proposed amnesty program.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

File No. 250191 – Internal Quality Audit

Department of Building Inspection

July 23, 2025

Background & Timeline of Events

2018:

- DBI identified irregularities in payments from Rodrigo Santos, engineer and former BIC president, and notified Controller's Office

- City Attorney sued Santos alleging work exceeding scope of permits and misuse of licensed engineer stamp

2020:

- U.S. Attorney's Office charged Santos with defrauding his clients

Background & Timeline of Events

2021:

- Bernie Curran, Senior Building Inspector, put on leave pending investigation

- U.S. Attorney's Office charged Curran and Santos with wire fraud, alleging Curran accepted bribes from Santos for preferential treatment

- Curran and Santos found guilty and sentenced to prison terms

DBI Reforms

2021:

DBI launched and began implementing departmental reforms:

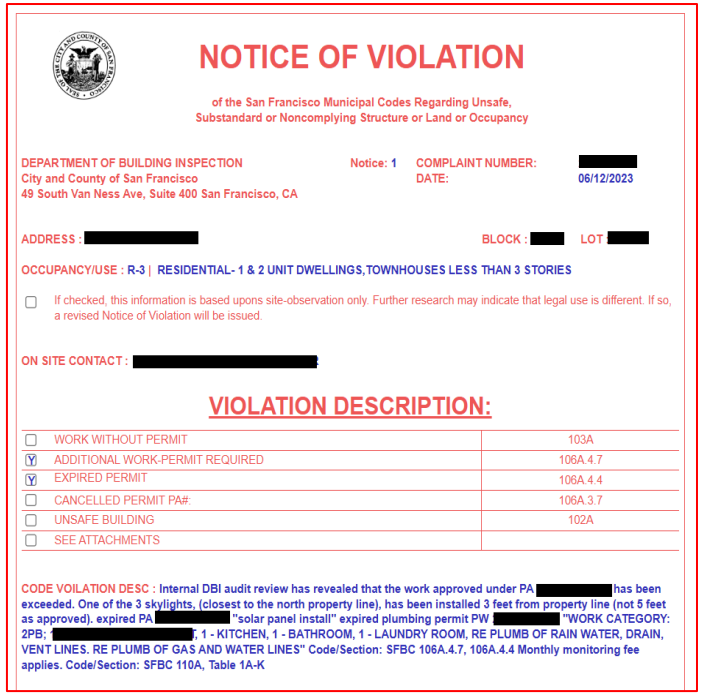
- Bolstering reporting to state licensing boards
- Monitoring out-of-district inspections
- Establishing the Expanded Compliance Control Program
- Creating anonymous staff reporting tool and whistleblower trainings
- Establishing 48-hour lock on inspection records + audit log
- Posting inspection notes and Notices of Violation online

Audit Timeline

2021:

- DBI, with guidance from City Attorney, initiated Internal Quality Control Audit

- DBI staff reviewed 5,445 properties for work beyond scope of permit, unpermitted work, missing inspections, uninvestigated complaints, and other improper activities



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

Notice: 1 COMPLAINT NUMBER: [redacted]
DATE: 06/12/2023

ADDRESS : [redacted] BLOCK : [redacted] LOT [redacted]

OCCUPANCY/USE : R-3 | RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES LESS THAN 3 STORIES

☐ If checked, this information is based upons site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

ON SITE CONTACT : [redacted]

VIOLATION DESCRIPTION:

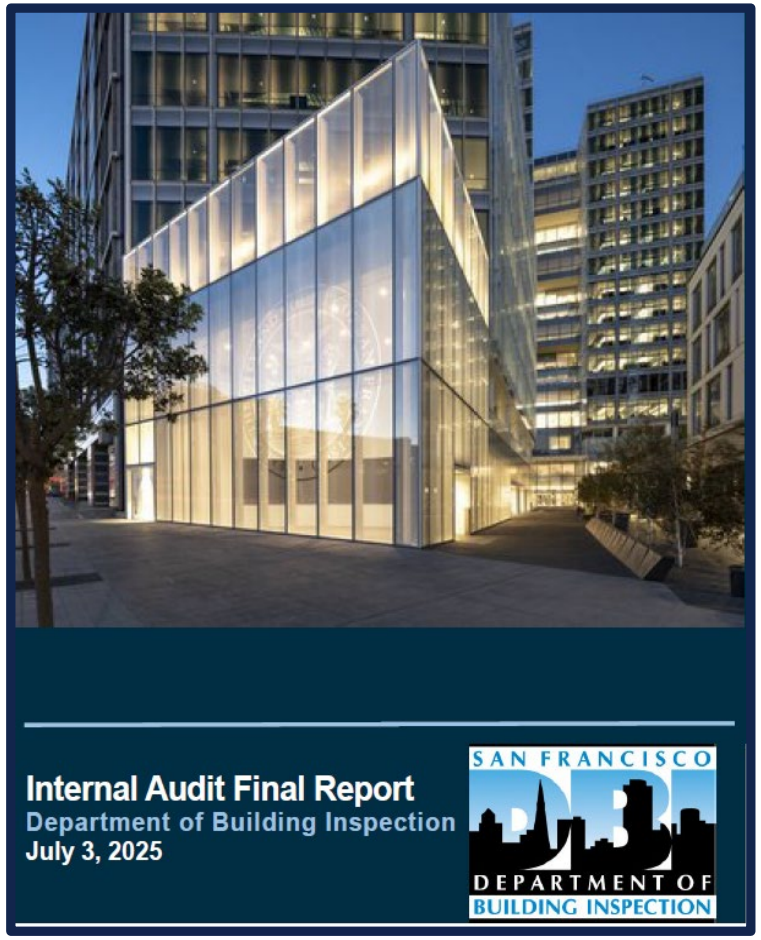
☐	WORK WITHOUT PERMIT	103A
☒	ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
☒	EXPIRED PERMIT	106A.4.4
☐	CANCELLED PERMIT PA#:	106A.3.7
☐	UNSAFE BUILDING	102A
☐	SEE ATTACHMENTS	

CODE VOILATION DESC : Internal DBI audit review has revealed that the work approved under PA [redacted] has been exceeded. One of the 3 skylights, (closest to the north property line), has been installed 3 feet from property line (not 5 feet as approved). expired PA [redacted] "solar panel install" expired plumbing permit PW [redacted] "WORK CATEGORY: 2PB; [redacted]; 1 - KITCHEN, 1 - BATHROOM, 1 - LAUNDRY ROOM, RE PLUMB OF RAIN WATER, DRAIN, VENT LINES. RE PLUMB OF GAS AND WATER LINES" Code/Section: SFBC 106A.4.7, 106A.4.4 Monthly monitoring fee applies. Code/Section: SFBC 110A, Table 1A-K

Audit Conclusion & Results

2025:
DBI staff completed review and published final report showing, while no imminent life-safety hazards were found, 2% of total properties have building code violations.

Per state law, all building code violations must be abated and brought into compliance.



File No. 250191

To assist property owners with violations found during the audit, DBI worked with President Mandelman to establish an amnesty program via File No. 250191.

The ordinance will waive planning code violations, as well as waiving Planning and DBI fees associated with abating the building code violations.

File No. 250191

To utilize the amnesty program, property owners must:

- Come forward within the next 5 years
- Pursue a certificate of existing conditions
- Apply for a building permit via a streamlined pathway
- Complete the work and finalize the permit

Building Inspection Commission

The Administrative & General Design and Disability Access Subcommittee and the Code Advisory Committee reviewed this ordinance on March 12, 2025 and unanimously **recommended approval.**

The Building Inspection Commission met on April 16, 2025 and unanimously **recommended approval** of the ordinance.

THANK YOU

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

May 15, 2025

Ms. Angela Calvillo, Clerk
Honorable Supervisor Mandelman
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2025-001748PCA:**
Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit
Board File No. 250191

Planning Commission Recommendation:	**Adopt a Recommendation for Approval**

Dear Ms. Calvillo and Supervisor Mandelman,

On May 1, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mandelman. The proposed Ordinance would amend the Planning Code to create a time-limited amnesty program for properties listed on the Department of Building Inspection's (DBI's) Internal Quality Control Audit (hereinafter "Audit") and subject to a Notice of Violation (NOV). Such properties would be considered as noncomplying structures and nonconforming uses following certification. Additionally, the proposed Ordinance would amend the Building Code to require certification of existing conditions for amnesty projects and a streamlined process for reviewing amnesty project applications. The proposed Ordinance would waive fees and penalties associated with both Planning Department's and DBI's review of requests for amnesty, and refund any fees and penalties already paid by amnesty projects.

At the hearing the Planning Commission adopted a recommendation for approval excluding persons listed on the Expanded Compliance Control program from the proposed amnesty program.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Veronica Flores

Veronica Flores for Aaron D. Starr
Manager of Legislative Affairs

cc: Austin Yang Deputy City Attorney
Calvin Ho, Aide to Supervisor Mandelman
Brent Jalipa, Office of the Clerk of the Board

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

PLANNING COMMISSION RESOLUTION NO. 21729

HEARING DATE: May 1, 2025

Project Name:	Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit
Case Number:	2025-001748PCA [Board File No. 250191]
Initiated by:	Supervisor Mandelman / Introduced February 25, 2025
Staff Contact:	Veronica Flores Legislative Affairs veronica.flores@sfgov.org, 628-652-7525
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE (EXCLUDING PERSONS LISTED ON THE EXPANDED COMPLIANCE CONTROL PROGRAM FROM THE PROPOSED AMNESTY PROGRAM) **THAT WOULD AMEND 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; AMEND 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 PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on February 25, 2025 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 250191, which would amend 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. Additionally, the proposed Ordinance would amend 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;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 1, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval** of the proposed ordinance excluding persons listed on the Expanded Compliance Control Program from the proposed Amnesty Program.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance would waive Planning Code requirements for this NOV properties resulting from the Department of Building Inspection's (DBI's) Internal Quality Control Audit (hereinafter "Audit") to not further punish these property owners. This is especially important as many of the owners were innocent parties and not aware of the unauthorized work, missing inspections, etc.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Policy 26

Streamline and simplify permit processes to provide more equitable access to the application process, improve certainty of outcomes, and ensure meeting State- and local-required timelines, especially for 100% affordable housing and shelter projects.

The proposed Ordinance supports the Housing Element goals of housing stability and health homes. Specifically, the proposed Ordinance directly aligns with Policy 26, which seeks to streamline and simplify permit processes. The proposed Ordinance would create an amnesty program that would waive Planning Code requirements for eligible NOV properties identified through the DBI's Audit. This path requires the property owner to retrieve a certification of existing conditions, rather than pursuing a permit and any relevant Planning entitlements to legalize any unpermitted work. This saves the property owner time and money. It also creates a clear path on how to move forward with these NOV properties. Additionally, it would waive or refund all Planning and DBI fees and penalties. This removes the uncertainty in terms of how much additional funds the NOV property owners would have to pay. This also supports the second part of Policy 26 related to more equitable application processes and improving the certainty of outcomes.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

   The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

   The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

   The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

   The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from

displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

   The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

   The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL the proposed Ordinance excluding persons listed on the Expanded Compliance Control Program from the proposed Amnesty Program as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 1, 2025.

Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2025.05.13 13:14:01 -07'00'

Jonas P. Ionin
Commission Secretary

AYES:	Campbell, McGarry, Williams, Braun, Imperial, So
NOES:	Moore
ABSENT:	None
ADOPTED:	May 1, 2025

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

EXECUTIVE SUMMARY
PLANNING CODE TEXT AMENDMENT

HEARING DATE: May 1, 2025

90-Day Deadline: June 1, 2025

Project Name:	Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit
Case Number:	2025-001748PCA [Board File No. 250191]
Initiated by:	Supervisor Mandelman / Introduced February 25, 2025
Staff Contact:	Veronica Flores Legislative Affairs veronica.flores@sfgov.org, 628-652-7525
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 628-652-7533
Environmental Review:	Not a Project Under CEQA

RECOMMENDATION: **Adopt of Recommendation for Approval**

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to create a time-limited amnesty program for properties listed on the Department of Building Inspection's (DBI's) Internal Quality Control Audit (hereinafter "Audit") and subject to a Notice of Violation (NOV). Such properties would be considered as noncomplying structures and nonconforming uses following certification.

Additionally, the proposed Ordinance would amend the Building Code to require certification of existing conditions for amnesty projects and a streamlined process for reviewing amnesty project applications. The proposed Ordinance would waive fees and penalties associated with both Planning Department's and DBI's review of requests for amnesty, and refund any fees and penalties already paid by amnesty projects.

The Way It Is Now:

Property owners in receipt of NOVs for unpermitted work are required to abate the NOV. This may be done by either correcting the violation or legalizing the unpermitted work through a building permit application and any relevant Planning entitlements. There are also penalties associated for a lack of or a delayed response to abating NOVs.

The Way It Would Be:

The proposed Ordinance would create a time-limited amnesty program for properties subject to NOVs issued as part of DBI's Audit. The amnesty program would provide relief from strict compliance with the Planning Code for this specific subset of NOVs. This amnesty program would not relieve any property owners from complying with the Building Code or obtaining final legal inspection work subject to the Audit. Additionally, all DBI and Planning fees and penalties would be waived or refunded for these NOV Properties. More information on the process and timeliness of this amnesty program are detailed in *Issues and Considerations.*

Background

In 2021, DBI began the Audit of properties linked to building engineer Rodrigo Santos and former DBI Inspector Bernie Curran. The Audit included over 5,000 properties and resulted in 100 NOVs. Many property owners who received NOVs were unaware of the unauthorized work when they purchased their properties. As a result, these owners now face costly renovations to correct the violations. To assist them, President Mandelman introduced the proposed Ordinance to alleviate impacted property owners through a time-limited amnesty program. This amnesty program would waive Planning Code requirements and related application fees and penalties for these NOV Properties.

The Building Inspection Commission (BIC) heard this item on April 16, 2025, and unanimously recommended approval.

Issues and Considerations

DBI's Internal Quality Control Audit

In January 2023, Rodrigo Santos, a building and construction engineer who did business in San Francisco and former Building Inspection Commission President was found guilty of leading multiple fraud schemes, tax evasion, and providing falsified documents to the Federal Bureau of Investigations. Santos defrauded his clients, submitted false plans to DBI, and worked beyond the scope of his permits dozens of times.

In July 2023, former DBI Inspector Bernie Curran was found guilty of accepting illegal gratuities for personal gain in connection with building inspections he performed, including payments from Santos to approve illegal work. Some of this work included unauthorized demolitions and unpermitted construction.

In May 2021, DBI initiated the Audit that reviewed properties that were associated with Santos and Curran. DBI identified more than 5,000 properties for review. DBI completed the Audit in January 2025 and did not

find any imminent life-safety hazards. As of January 2025, DBI issued approximately 100 NOVs. Many of these property owners that received these NOVs purchased the property after renovations were completed and were unaware of the unauthorized work that had been done. These property owners now face costly renovations to abate these violations, while being unaware of the violation in the first place. The proposed Ordinance seeks to support these property owners by waiving these specific Planning Code violations and related application fees and penalties.

DBI has referred 12 NOV Properties to the Planning Department to date. The Enforcement Team is still clarifying whether this number of NOV Property referrals is expected to increase or not. According to DBI, the maximum number of NOV Properties they are aware of is 175. However, this number may decrease as DBI is able to conduct more site visits and clarify if there is a violation or not.

Proposed Amnesty Program

The goal of the amnesty program is to support property owners affected by unpermitted work performed by Santos and Curran. Many of these owners appear to have been unaware that the work completed—and in some cases approved—by Santos and Curran lacked proper permits. While DBI's Audit found no major life-safety concerns associated with the unpermitted work, some of the outstanding violations remain subject to Planning Code requirements. Given the lack of active participation by many of these property owners, and the absence of significant safety concerns, strict enforcement of all Planning Code requirements may be unduly burdensome and punitive. The amnesty program provides a balanced approach by acknowledging the unique circumstances of these cases while still upholding core planning principles.

Without the proposed Ordinance, the Audit properties would need to abate NOV's for Planning Code noncompliance. The proposed Ordinance would waive these Planning Code requirements and allow these properties to continue as noncomplying structures.

Process

NOV Properties shall seek a Planning Determination of noncompliance or nonconformance. The Planning Director or designee needs to document the degree of nonconformity or noncompliance for each NOV property that is granted amnesty under this program. The following resources may be used in making this determination:

- historical photographs;
- publicly available info such as NOVs;
- current photographs provided by the applicant;
- drawings provided by the application prepared by a state licensed contractor, architect, or registered engineer;
- site inspections by Planning Department, DBI, or other department with jurisdiction; and
- any other document or information the Director deems relevant.

The proposed Ordinance requires the Planning Director or designee to clarify the degree of nonconformity in writing. This can be done through the standard Planning Approval Letter (PAL) process and forwarded to DBI. Upon receipt, DBI will issue a certificate of the existing conditions and specify the NOV Property shall be

considered an existing noncomplying structure or nonconforming use subject to Article 1.7 of the Planning Code.

Limited Time of Amnesty Program
NOV Properties will have three years from the effective date of the proposed Ordinance to apply for a certificate documenting the existing conditions. Many of these property owners are already aware of the proposed changes and are eagerly awaiting the next steps.

The amnesty program will sunset five years after the Ordinance takes effect. Under the proposed Ordinance, DBI is required to implement a streamlined application process for expedited review. Given this, the Department believes the five-year sunset period is sufficient.

Fee Waiver
The proposed amnesty program would also require the Planning Department to waive all fees for applications or other actions under this amnesty program. This includes any enforcement fees, and any additional fees related to additional time and materials for review. Additionally, the Department would also be required to refund any permit fees or enforcement fees and penalties related to abating an NOV issued per the Audit.

Noncomplying Structures

> After deemed noncomplying or nonconforming through this amnesty program, the NOV Properties may not be enlarged, modified, or further intensify the noncompliance or nonconformity.

The amnesty program alleviates these property owners from the identified Planning Code requirements and would be considered existing noncomplying structures and/or nonconforming uses. However, NOV Properties may not enlarge, modify or otherwise intensify the noncomplying structures and/or nonconforming uses. This means that any future changes to the properties would need to comply with all Planning Code requirements in effect at the time of the application.

General Plan Compliance

The proposed Ordinance supports the Housing Element goals of housing stability and health homes. Specifically, the proposed Ordinance directly aligns with Policy 26, which seeks to streamline and simplify permit processes. The proposed Ordinance would create an amnesty program that would waive Planning Code requirements for eligible NOV properties identified through the DBI's Audit. This path requires the property owner to retrieve a certification of existing conditions, rather than pursuing a permit and any relevant Planning entitlements to legalize any unpermitted work. This saves the property owner time and money. It also creates a clear path on how to move forward with these NOV properties. Additionally, it would waive or refund all Planning and DBI fees and penalties. This removes the uncertainty in terms of how much additional funds the NOV property owners would have to pay. This also supports the second part of Policy 26 related to more equitable application processes and improving the certainty of outcomes.

Racial and Social Equity Analysis

The proposed Ordinance offers necessary relief to property owners impacted by unpermitted work linked to misconduct by Rodrigo Santos and former DBI Inspector Bernard Curran. Many owners were unaware of the violations and now face significant financial and regulatory burdens through no fault of their own.

1. Mitigating Disproportionate Burden
While the proposed Ordinance does not identify where affected properties are located, it is reasonable to anticipate that some are in historically underserved neighborhoods, where residents—particularly working-class and BIPOC homeowners—may lack the resources to navigate costly compliance processes. Without amnesty, these homeowners could face tens of thousands of dollars in unexpected fees, potentially leading to displacement.

2. Promoting Housing Stability
By waiving fees and providing a path to compliance, the proposed Ordinance helps prevent involuntary displacement and supports long-term housing stability—particularly for vulnerable homeowners who did not initiate or benefit from the unpermitted work.

3. Advancing Procedural Fairness
The proposed Ordinance acknowledges the power imbalance between professional permit expediters and everyday property owners. Providing amnesty ensures that enforcement does not disproportionately penalize those least equipped to challenge or correct violations.

4. Protecting Safety Without Penalizing the Innocent
DBI's Audit found no imminent life-safety hazards. The proposed Ordinance maintains all Building Code requirements while offering targeted relief from Planning Code penalties, striking a fair balance between safety, equity, and accountability.

Implementation

The Department has determined that this Ordinance will impact our current implementation procedures on staff review time and the Department budget.

The Department believes that staff time would be minimally impacted. Staff anticipate that NOV Properties can go through the PAL process as they normally would. The Planning Director or designee would reference this proposed amnesty program under Section 187 and document the degree of noncompliance and/or nonconformity directly in the PAL. The proposed Ordinance requires that this determination is sent to DBI. Planning already sends all PALs to DBI; thus, there is no additional impact there.

The Department is still assessing the budget impacts of the proposed Ordinance. The Department received 12 referrals from DBI's Audit. However, the Department understands that there may be additional properties added to this list. Based on the 12 known NOV Properties, the Department collected approximately $20,000 in fees and penalties that would need to be refunded. NOVs of this extent typically result in more penalties; however, once the Department was aware that certain properties were included in the Audit, staff put the enforcement cases on hold and did not collect any additional penalties. However, the Department would still

need to refund the completed work and application fees submitted prior to the amnesty program/ordinance introduced.

Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Department supports the proposed time-limited amnesty program as a necessary and equitable response to the fallout from the misconduct of Rodrigo Santos and former DBI Inspector Bernie Curran. DBI's Audit, which examined over 5,000 properties, found no imminent life-safety hazards. However, many property owners—who were unaware of the unpermitted or falsified work—now face significant financial and legal burdens through no fault of their own.

This amnesty program aims to provide relief to these property owners by waiving certain Planning Code requirements and associated fees. While the properties will be considered noncomplying, they may not be enlarged, modified, or otherwise intensify the noncompliance in the future. Any future expansions will be subject to the Planning Code requirements in effect at the time of the new permit.

Although the proposed Ordinance may impact the Department's budget, the Department supports waiving application fees and penalties for the affected properties. Requiring full Planning Code compliance to abate these violations could impose substantial, unanticipated costs on property owners who were not responsible for the unauthorized work. This approach aligns with the Department's commitment to procedural fairness and housing stability, ensuring that enforcement actions do not disproportionately penalize innocent homeowners.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

ATTACHMENTS:

Exhibit A: Draft Planning Commission Resolution
Exhibit B: Board of Supervisors File No. 250191

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San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

EXHIBIT A

PLANNING COMMISSION
DRAFT RESOLUTION

HEARING DATE: May 1, 2025

Project Name:	Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit
Case Number:	2025-001748PCA [Board File No. 250191]
Initiated by:	Supervisor Mandelman / Introduced February 25, 2025
Staff Contact:	Veronica Flores Legislative Affairs veronica.flores@sfgov.org, 628-652-7525
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND 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; AMEND 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 PUBLIC NECCESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on February 25, 2025 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 250191, which would amend 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. Additionally, the proposed Ordinance would amend 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;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 1, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval** of the proposed ordinance.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance would waive Planning Code requirements for this NOV properties resulting from the Department of Building Inspection's (DBI's) Internal Quality Control Audit (hereinafter "Audit") to not further punish these property owners. This is especially important as many of the owners were innocent parties and not aware of the unauthorized work, missing inspections, etc.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Policy 26
Streamline and simplify permit processes to provide more equitable access to the application process, improve certainty of outcomes, and ensure meeting State- and local-required timelines, especially for 100% affordable housing and shelter projects.

The proposed Ordinance supports the Housing Element goals of housing stability and health homes. Specifically, the proposed Ordinance directly aligns with Policy 26, which seeks to streamline and simplify permit processes. The proposed Ordinance would create an amnesty program that would waive Planning Code requirements for eligible NOV properties identified through the DBI's Audit. This path requires the property owner to retrieve a certification of existing conditions, rather than pursuing a permit and any relevant Planning entitlements to legalize any unpermitted work. This saves the property owner time and money. It also creates a clear path on how to move forward with these NOV properties. Additionally, it would waive or refund all Planning and DBI fees and penalties. This removes the uncertainty in terms of how much additional funds the NOV property owners would have to pay. This also supports the second part of Policy 26 related to more equitable application processes and improving the certainty of outcomes.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

   The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

   The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

   The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

   The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or

overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

   The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

   The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

   The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 1, 2025.

Jonas P. Ionin
Commission Secretary

AYES:
NOES:
ABSENT:
ADOPTED: May 1, 2025

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EXHIBIT B

[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.

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

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

Section 1. Environmental and General Findings.

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

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the Planning Code amendments in this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____, and the Board incorporates such reasons herein by reference.

(d) On _____, at a duly noticed public hearing, the Building Inspection Commission considered this ordinance in accordance with Charter Section 4.121 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection Commission regarding the Commission's recommendation is on file with the Clerk of the Board of Supervisors in File No. _____.

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

Section 2. Legislative Findings.

(a) In January 2023, Rodrigo Santos, a building and construction engineer who did business in San Francisco, was found guilty of leading multiple fraud schemes, tax evasion, and providing falsified documents to the Federal Bureau of Investigations. Santos had defrauded his clients, submitted false plans to the Department of Building Inspection ("DBI") and worked beyond the scope of his permits dozens of times. He also stole money from his clients by misrepresenting the fees that were due to DBI and keeping the difference.

(b) In July 2023, former DBI Inspector Bernie Curran was found guilty of accepting illegal gratuities for personal gain in connection with building inspections he performed. Santos had made payments to Curran to approve illegal work including unauthorized demolitions and unpermitted construction.

(c) In May 2021, DBI initiated the Internal Quality Control Audit ("Audit") – a review of properties that were associated with Rodrigo Santos and former Inspector Bernard Curran.

(d) 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.

(e) 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.

(f) 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

("NOV"), including all Audit Properties in Tier 3. As of January 2025, DBI had issued NOVs for approximately 100 Audit Properties in Tiers 1 and 2.

(g) Many owners of the Audited Properties that received NOVs purchased the property after renovations had been completed and were unaware that unauthorized work had been done.

(h) 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.

(i) 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 NOVs pursuant to the Audit.

Section 3. Article 1.7 of the Planning Code is hereby amended by adding Section 187, to read as follows:

SEC. 187. AUDIT PROPERTIES; AMNESTY PROGRAM.

*(a) **Intent.** The purpose of this amnesty program is to provide relief from strict compliance with the Planning Code for properties subject to Notices of Violation ("NOV") issued by the Department of Building Inspection as part of its Internal Quality Control Audit ("Audit"). The Audit identified approximately 5,500 properties that could have been subject to permitting and inspection irregularities. Pursuant to the Audit procedures, these properties were subject to additional review by DBI. As of January 1, 2025, DBI had issued approximately 100 NOVs as a result of the Audit.*

*(b) **Limitations.** This Section 187 does not alter, modify, waive, or otherwise change the City's legal defenses to and immunity from any responsibility or liability for harm caused by the conduct of any permit expediter, engineer, architect of record, or other design professional, such as Rodrigo Santos, or inspections by City employees, such as Bernard Curran, or anyone acting on behalf of or in*

concert with those individuals. The amnesty provided in this Section 187 does not relieve any property owner from complying with the Building Code or obtaining final legal inspection for any work subject to the Audit.

*(c) **Definitions.** For purposes of this Section 187 the following definitions shall apply:*

"Audit" means the Department of Building Inspection's Internal Quality Control Audit, as it may be updated.

"NOV Property" means any property identified in the Audit that is or has been subject to a NOV arising from the Audit.

*(d) **Amnesty Determination.** Notwithstanding any other provision of this Code, upon a written determination of the existing conditions made by the Planning Director ("Director") or the Director's designee pursuant to subsection (e), the physical condition and use of any NOV Property shall be considered an existing noncomplying structure and/or nonconforming use subject to this Article 1.7, after the property owner abates the NOV by obtaining a final certification of noncomplying conditions from the Department of Building Inspection pursuant to Building Code Section 106A.6, or a Building Permit.*

*(e) **Planning Determination of Nonconformity and Noncompliance.** The Director or their designee shall document the degree of nonconformity or noncompliance for each NOV Property that is granted amnesty under this Section 187. The Director's determination of the degree of nonconformity and/or noncompliance shall be based on any of the following: (1) historical photographs; (2) publicly available information, including any NOVs; (3) current photographs provided by the applicant, including photographs showing the NOV Property; (4) drawings provided by the applicant prepared by a state licensed contractor, architect, or registered engineer depicting the width, depth, height, projection, elevation, and other key characteristics of the NOV Property; (5) site inspections by the Planning Department, Department of Building Inspection, or other department having jurisdiction to perform such an inspection, if requested; and (6) any other document or information the Director*

deems relevant. Such determination shall be provided to the Department of Building Inspection under Building Code Section 106A.6. It shall be the obligation of the property owner to demonstrate eligibility for amnesty under this Section 187. The Director's determination regarding the degree of nonconformity or noncompliance shall not be subject to appeal.

*(f) **Waiver of Fees.** The Planning Department shall waive all fees for applications or other actions under this Section 187. The Planning Department shall also refund any permit fees or enforcement fees and penalties related to abating a NOV issued pursuant to the Audit, regardless of whether the fees or penalties were paid prior to the effective date of the ordinance in Board File No. 250191.*

*(g) **Relationship to Planning Code.** Pursuant to the provisions of this Section 187 and Building Code Section 106A.6, NOV Properties subject to the Audit may receive amnesty from the Planning Code and be considered existing noncomplying structures and/or nonconforming uses. Although NOV Properties may receive amnesty from strict compliance with the Planning Code for work subject to the Audit, NOV Properties may not enlarge, modify or otherwise intensify the noncomplying structures and/or nonconforming uses. Following receipt by property owner of a certification of existing conditions pursuant to Building Code Section 106A or a Building Permit to abate a NOV, any changes to the property shall be subject to the requirements of the Planning Code in effect as of the date of the subsequent work.*

*(h) **Application deadline.** Any NOV Property must submit a complete amnesty application no later than three years after the effective date of the ordinance in Board File No. 250191.*

*(i) **Sunset.** This Section 187 shall expire by operation of law five years after the effective date of the ordinance in Board File No. 250191, following which the City Attorney is authorized to cause it to be removed from the Planning Code.*

Section 4. Chapter 1A of the Building Code is hereby amended by adding Section 106A.6, consisting of Sections 106A.6.1 to 106A.6.6, to read as follows:

106A.6 Internal Quality Control Audit Amnesty Program. *This Section 106A.6 applies to Notices of Violation ("NOV") Properties, as defined in Planning Code Section 187. Planning Code Section 187 creates an amnesty program for properties subject to NOVs resulting from the Department's Internal Quality Control Audit ("Audit") by exempting those NOV Properties from strict compliance with the Planning Code, provided that the property owner obtains certification from the Department documenting the status of the noncomplying conditions. The Department shall implement the amnesty program outlined in this Section 106A.6 to document the noncomplying conditions, and expedite the abatement of NOVs associated with Audit.*

106A.6.1 Certification of Existing Conditions and Necessary Repairs: No New Construction or Intensification of Non-Conformity. *The Department shall provide a streamlined process to verify existing conditions and abate any Building Code issues; provided that the application for certification of existing conditions shall be consistent with the Information on Plans and Specification requirements provided in Section 106A.3.3, and require the property owner to designate an architect or engineer of record. The amnesty program shall not authorize new construction, additions, or any intensification of structural non-conformity beyond what is determined by the Planning Department to be a noncomplying structure and/or nonconforming use pursuant to Planning Code Section 187.*

106A.6.2 Abatement of Notices of Violation. *A certification pursuant to this Section 106A.6 shall be sufficient to abate a pending NOV related to failure to comply with the Planning Code. Building Code violations must be brought into compliance with all applicable building standards.*

106A.6.3 No Relaxation of Building Standards. *The certification process in this Section 106A.6.3 may be used to abate a NOV based on failure to comply with the Planning Code, but nothing in this Section 106A.6 relaxes or suspends any building standards or the obligation to obtain a Building Permit to abate a NOV premised upon violations of the Building Code.*

106A.6.4 Waiver of Fees. *Notwithstanding any other provision of the Building Code, the Department shall waive all fees for applications and inspections necessary to obtain a certification pursuant to this Section 106A.6 and building permits necessary to abate any NOV issued pursuant to the Audit, including the application fee for plan review, permit issuance fee for inspections, and any enforcement fees and penalties, such as inspection fees required under Section 107A.5 for work without a permit. The Department shall refund any permit fees and any related enforcement fees and penalties associated with abating a NOV for failure to comply with the Building Code issued pursuant to the Audit, regardless of whether the fees were paid prior to the effective date of the ordinance in Board File No. 250191.*

106A.6.5 Streamlined Application Process. *The Department shall develop a streamlined application process to facilitate and expedite review of applications filed under this Section 106A.6.*

106A.6.6 Sunset. *This Section 106A.6 shall expire by operation of law five years after the effective date of the ordinance in Board File No. 250191, following which the City Attorney is authorized to cause it to be removed from the Building Code.*

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
Austin M. Yang
Deputy City Attorney

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BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection **Voice (628) 652 -3510**
49 South Van Ness Avenue, 5th Floor San Francisco, California 94103

April 17, 2025

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: File No. 250191

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.

The Code Advisory Committee (CAC) met on March 12, 2025 and after a presentation by Tate Hanna DBI's Legislative Affairs person and a discussion of committee members regarding why this Amnesty program is needed, the full Code Advisory Committee (CAC) voted unanimously to make a recommendation to the Building Inspection Commission to approve File No.250191 as written. This recommendation is limited to changes to the San Francisco Building Code. The CAC voted unanimously **to approve File No. 250191.**

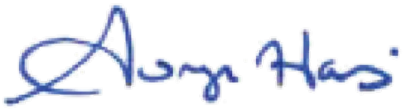
The Building Inspection Commission met and held a public hearing on April 16, 2025 regarding the proposed amendment to the Building Code contained in Board File No. 250191.

The Commissioners voted unanimously to **recommend approval of the Ordinance.**

President Alexander-Tut	Excused
Commissioner Chavez	Yes
Commissioner Meng	Yes
Commissioner Neumann	Yes
Commissioner Williams	Yes

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,



Sonya Harris
Commission Secretary

cc: Patrick O'Riordan, Director
Mayor Daniel Lurie
Supervisor Rafael Mandelman
Board of Supervisors

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: March 3, 2025

To: Planning Department/Planning Commission

From: John Carroll, Assistant Clerk, Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 250191
Planning and Building Codes - Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
☒ Ordinance / Resolution
☐ Ballot Measure

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

3/11/2025 Joy Navarrete

☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)

☐ General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission
☐ Landmark *(Planning Code, Section 1004.3)*
☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
☐ Mills Act Contract *(Government Code, Section 50280)*
☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

Member, Board of Supervisors
District 1

City and County of San Francisco

CONNIE CHAN
陳詩敏
第一區市參事

MEMORANDUM

DATE: July 24, 2025
TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Connie Chan
Chair

RE: Budget and Finance Committee
Committee Report

Pursuant to Board Rule 4.20, as Chair of the Budget and Finance Committee, I have deemed the following matter to be of an urgent nature and request it be considered by the full Board on July 29, 2025 as a Committee Report:

250191 Planning and Building Codes - Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit

This matter will be heard at a special Budget and Finance meeting on July 29, 2025 at 10:00 am.

City Hall • 1 Dr. Carlton B.Goodlett Place • Room 244 • San Francisco, California 94102-4689
Office (415) 554-7410 • TDD/TTY (415) 554-5227 • E-mail: Connie.Chan@sfgov.org

President, District 8
BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6968
Fax No. 554-5163
TDD/TTY No. 544-5227

RAFAEL MANDELMAN

PRESIDENTIAL ACTION

Date: 3/25/25

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

☐ Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____ _____ (Primary Sponsor)

Title. _____

☒ Transferring (Board Rule No 3.3)

File No. 250191 Mandelman (Primary Sponsor)

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

From: Land Use & Transportation Committee

To: Budget & Finance Committee

☐ Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____ Replacing Supervisor: _____

For: _____ (Date) _____ (Committee) Meeting

Start Time: _____ End Time: _____

Temporary Assignment: ◉ Partial ○ Full Meeting

Rafael Mandelman, President
Board of Supervisors

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: March 3, 2025

To: Planning Department/Planning Commission

From: John Carroll, Assistant Clerk, Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 250191
Planning and Building Codes - Amnesty for Properties in the Department of Building Inspection's Internal Quality Control Audit

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
- ☒ Ordinance / Resolution
- ☐ Ballot Measure

☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)

☐ General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission
- ☐ Landmark *(Planning Code, Section 1004.3)*
- ☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
- ☐ Mills Act Contract *(Government Code, Section 50280)*
- ☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

BOARD of SUPERVISORS

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M E M O R A N D U M

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

FROM: John Carroll, Assistant Clerk
Land Use and Transportation Committee

DATE: March 3, 2025

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Mandelman on February 25, 2025:

File No. 250191

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.

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: john.carroll@sfgov.org.

c:
Offices of Chair Melgar and Supervisor Mandelman
Tate Hanna, Department of Building Inspection
Patty Lee, Department of Building Inspection

Introduction Form

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

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

- [x] 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):

Mandelman

Subject:

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

Long Title or text listed:

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.

Signature of Sponsoring Supervisor: