

Attachment B - Summary of Proposed Changes to PMC Chapter 8.62

1. Alter the definition for “Completed Projects” and create definitions for “Expired Permits” and “Cancelled Permits” in order to further clarify the status of completed projects.
Currently, applicants who have not constructed projects because they were cancelled or otherwise never started are still required to submit compliance reports to request the release of security deposits. This is confusing because there were no materials or debris to divert and there would be nothing to report. The new definitions and procedures are intended to streamline and automate aspects of the security deposit refund for both applicants and staff.
2. Establish new threshold for covered residential projects that shall meet and comply with the C&D requirements. Currently “all residential alterations and remodels” regardless of size or value trigger C&D compliance. Proposed threshold will only trigger residential alterations and remodels with permit valuation of \$20,000 or greater to be considered covered projects required to submit a C&D deposit and comply with the program. Setting this threshold will remove undue burden placed on permittees with small remodel projects, where no new conditioned space or new area is being added and debris amount produced is negligible.
3. Clarify thresholds for Commercial Additions and Tenant-Improvements to match State’s Construction Waste Management requirements. Currently, PMC only lists “Tenant improvements of 1,000 square feet or more” as a commercial project threshold. Proposing to distinguish project thresholds for commercial additions from tenant-improvements as follows: Commercial additions of 1,000 square-feet or greater; and tenant improvements of \$200,000 or above.
4. Require waste management plans be approved prior to issuance of a Building or Demolition Permit. Currently, the waste management plan submittal and approval process fall outside of the permitting process, which creates a challenge for enforcement. By integrating this submittal and approval as part of the requirements in the Building and Demolition Permit application, staff aims to increase compliance with the C&D standards. The requirement also streamlines the process for the permittee with timely system-generated automatic messages to help permittee navigate through the process and comply with the C&D Program requirements.
5. Require submittal of C&D compliance reports at project completion and prior to final inspection by Building and Safety staff. The submission of compliance reports was often overlooked by permittees and there was no mechanism in the City’s permitting process to trigger and enforce its submittal other than loss of the security deposit. These cases often remained open indefinitely with no resolution, with the deposits neither refunded nor forfeited. Requiring submission of a compliance report prior to scheduling a permit’s Final Inspection ensures reports are submitted timely and incentivizes permittees to comply with the C&D Program.
6. Streamline the appeal process by focusing only on the final compliance report. Currently, the internal process allows multiple appeals for the same case which consumes substantial staff time and resources. The proposed amendments would allow the appellant to appeal only a non-compliance determination on the final compliance report which results in forfeiture of the performance security. Under that approach, the decision of the Appeal Officer would be final.