I. Residential Construction Activities

The Planning and Building Department is receiving a number of questions about how the March 31, 2020 Shelter in Place Order (“Order”) applies to residential projects currently under construction, as well as requests for determinations that specific projects be allowed to continue. It is important to note that the Order does not authorize the Planning and Building Department to interpret and/or enforce the Order. While we can offer our input and guidance, it is up to every individual within the County to abide by the terms of the Order. The Department does not provide any legally binding determinations that certain projects or activities are allowed under the Order.

Nevertheless, the Department continues to adjust our services in response to current events, and in doing so, interprets sections of the Order related to construction, including: Section 13.a.ii, which allows “necessary services ... necessary to maintain the habitability, sanitation, and operation of residences;” Section f.v.7, which allows “[c]onstruction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so;” and Section 13.f.v.8, which allows “[c]onstruction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot be reasonably delayed.” The Department’s interpretation follows:

A. Exemption for Services or Construction Necessary to Habitability

The Planning and Building Department considers the following actions to be necessary in order to maintain the habitability, sanitation, and operation of existing residences: repairing leaking windows, roofs, or siding; maintaining or restoring a safe supply of electricity, water, and waste water disposal; and addressing issues of structural instability and other such matters that present an immediate threat to the health and safety of the current occupants.

B. Exemption for Activities Required to Secure Existing Construction Sites

The Planning and Building Department considers the following activities to be necessary to secure existing construction sites: completing foundation work in trenches with exposed steel; installing temporary supports to secure unfinished framing; wrapping exposed exterior walls with paper; installing windows in previously framed openings; placing tar paper on previously constructed roofs; stabilizing unstable slopes; installing and maintaining erosion control and temporary perimeter fencing; and securing and covering supplies and equipment.
If you have questions about or would like to discuss the Department’s perspective on what construction projects may continue under the Order, with the understanding that the Department’s input is advisory only, please call 650-599-7310 or email plngbldg@smcgov.org.

II. Inspections

Beginning on March 16, 2020, the Department began using a remote video inspection system to conduct inspections. With limited exceptions, this continues to be the only method of inspection being performed by staff. In light of the prohibition on construction activities other than those exempted by the current Order, the Planning and Building Department has further adjusted its inspection services system as follows:

All permittees and their registered contractors are eligible to schedule remote video inspections by calling 650-306-8415. Any inspection that is deemed by staff to be for a non-exempt construction activity will be cancelled until the Order is lifted or revised to allow such construction. Where appropriate, the Department may accept photographs and videos in lieu of conducting on-site inspections, for example, to obtain evidence that erosion control measures have been properly installed and maintained.

III. Deadline to Secure Non-Essential Construction Sites

Unless an existing construction project is defined as “essential” by the Order, it is the Department’s expectation that all construction sites will be completely secured no later than 5:00 p.m. on Friday, April 10, 2020. All video inspections required to demonstrate that the most recent stages of construction have been completed to code, and that all erosion control measures have been installed, should be scheduled no later than Friday April 17, 2020.

IV. Permit Application Submittal and Processing

The Department continues to accept all Planning and Building Permit applications electronically. The processing of applications will be prioritized based on the directives of the Order, and all applicants should be prepared for processing delays.

V. Issuance of Construction Permits

The Department understands that there are instances where the issuance of construction permits are required to satisfy loan obligations, obtain construction funding, or for other legitimate reasons that do not also require construction to commence. In order to accommodate such needs, and in order to avoid a situation where a backlog of permits must be issued upon the expiration of the Order, the Department will continue to issue permits for all approved applications electronically, with the disclaimer that all property owners and contractors must abide by the terms of the Order when establishing construction start dates and mobilizing personnel.