

BOARD of SUPERVISORS



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MEMORANDUM

Date: August 7, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250810
Building Code - Affordable Housing Projects Administrative Fee Deferral

- ☒ 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.

[Building Code - Affordable Housing Projects Administrative Fee Deferral]

Ordinance amending the Building Code to allow affordable housing projects and certain other projects to defer payment of certain administrative fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

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. 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 Building Inspection Commission considered this ordinance at a duly noticed public hearing pursuant to Charter Section 4.121 and Building Code Section 104A.2.11.1.1.

(c) 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

1 administrative procedures for implementing the code, which are expressly excluded from the
2 definition of a “building standard” by California Health and Safety Code Section 18909(c).

3
4 Section 2. Chapter 1A of the Building Code, Section 107A, is hereby amended by
5 adding Section 107A.16 to read as follows:

6 **107A.16 Affordable Housing Administrative Fee Deferral Program.**

7 **107A.16.1 Deferral Options.** *Any Affordable Housing Project or project subject to Section*
8 *107A.17 may defer payment of the fees required by Sections 107A.2, 107A.3, 107A.3.1, and 107A.3.4*
9 *(“Administrative Fees”) as set forth in this Section 107A.16. These options to defer payment may be*
10 *exercised by submitting a deferral request to the Department on a form provided by the Department.*

11 **107A.16.2 Building Permits for New Construction.** *For a building permit related to a new*
12 *Affordable Housing Project or a project subject to Section 107A.17, an initial Administrative Fee*
13 *payment of \$35,000 shall be paid at the time of filing an application for a building permit, and any*
14 *additional Administrative Fees shall be paid no later than the date of building permit issuance. A*
15 *deferral request shall be submitted at the time of filing an application for a building permit.*

16 **107A.16.3 Building Permits for Rehabilitation or Tenant Improvements.** *For a building*
17 *permit related to rehabilitation or tenant improvements on an Affordable Housing Project or a project*
18 *subject to Section 107A.17, Administrative Fees shall be paid no later than the date of building permit*
19 *issuance. A deferral request shall be submitted at the time of filing an application for a building permit.*

20 **107A.16.4 Site Permits.** *For a site permit related to a new Affordable Housing Project or a*
21 *project subject to Section 107A.17, Administrative Fees shall be paid no later than the date of issuance*
22 *of the First Construction Document. A deferral request shall be submitted at the time of filing an*
23 *application for a building permit.*

24 **107A.16.5 Definitions.** *For the purposes of this Section 107A.4A, the following definitions*
25 *apply:*

1 (1) First Construction Document shall have the meaning set forth in Section 107A.13.1.

2 (2) Affordable Housing Project means a multi-family residential building, including any
3 ancillary commercial space, where more than 50% of the gross floor area is for residential use and
4 100% of the dwelling units, not including any manager's unit(s), are or will be regulated by a
5 government agency and subject to a recorded regulatory restriction to ensure income eligibility and
6 affordability based on income or provide permanent housing for homeless or formerly homeless
7 persons.

8 **107A.17 Previously Granted Administrative Fee Deferral Program.** The deferral options set
9 forth in Section 107A.16 shall also be available to any project for which the Building Official has
10 granted a deferral of Administrative Fees prior to the Effective Date of the ordinance in Board of
11 Supervisors File No. _____.

12
13 Section 3. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the "Note" that appears under
23 the official title of the ordinance.

24
25 APPROVED AS TO FORM:

1 DAVID CHIU, City Attorney

2 By: /s/ Peter R. Miljanich
3 PETER MILJANICH
Deputy City Attorney

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LEGISLATIVE DIGEST

[Building Code - Affordable Housing Projects Administrative Fee Deferral]

Ordinance amending the Building Code to allow affordable housing projects and certain other projects to defer payment of certain administrative fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Building Code Sections 107A.2, 107A.3, 107A.3.1, and 107A.3.4 authorize the Department of Building Inspection to charge administrative fees to compensate the Department for the cost of processing applications and performing or providing other activities and services.

Amendments to Current Law

This ordinance would add new Building Code Section 107A.16 to allow the sponsor of certain affordable housing projects, as defined, to defer payment of administrative fees. This ordinance would also add new Building Code Section 107A.17 to allow the sponsor of other projects that have previously been granted an administrative fee deferral by the City's Building Official to defer payment of administrative fees.

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Introduction Form

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

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

- ☐ 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):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: