

File No. 170942

Committee Item No. 7  
Board Item No. 23

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date February 5, 2018

Board of Supervisors Meeting

Date 2/13/18

Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | CEQA Determination |
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Completed by: Victor Young Date February 2, 2018  
Completed by: *V Young* Date *2/7/18*

1 [Building Code -Third Party Expert Fees]

2  
3 Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to  
4 allow recovery of costs of third party experts and other permit related expenses; and  
5 affirming the Planning Department's determination under the California Environmental  
6 Quality Act.

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

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

15 Section 1. Findings.

16 (a) The Planning Department has determined that the actions contemplated in this  
17 ordinance comply with the California Environmental Quality Act (California Public Resources  
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
19 Supervisors in File No. 170942 and is incorporated herein by reference. The Board affirms  
20 this determination.

21 (b) On August 16, 2017, the Building Inspection Commission conducted a duly noticed  
22 public hearing on the legislative amendments proposed in this Ordinance pursuant to Charter  
23 Section D3.750-5.

24 Section 2. The Building Code is hereby amended by amending Section 107A, to read  
25 as follows:

1  
 2 107A.14 Third-Party Experts and Other Permit Related Actions Fee. Actions requiring third-party  
 3 experts or other actions not specified above, shall be charged a fee based on actual costs that the  
 4 Department incurs in administering and processing the action or procedure and shall be charged on a  
 5 time and materials basis. The Department shall provide the applicant with a written estimate of said  
 6 costs at the time of application, and the applicant shall pay such fees prior to the time that the  
 7 application is deemed complete. To the extent that the estimated fees do not cover actual costs, any  
 8 outstanding amount due shall be a condition of the Department's final decision on the action or  
 9 procedure. To the extent that the estimated fees exceeded the actual costs, the Department shall refund  
 10 the excess amount to the applicant within a reasonable period after the Department's final decision on  
 11 the action or procedure.

12  
 13 Section 3. The Building Code is hereby amended by amending Table 1A-B of Section  
 14 110A, to read as follows:

15 TABLE 1A-B – OTHER BUILDING PERMIT AND PLAN REVIEW FEES

17 1. Plan Review Fees Not Covered in Table 18 1A-A:	Plan Review Hourly Rate - Minimum One Hour
19 2. Back Check Fee:	Plan Review Hourly Rate - Minimum One Hour
21 3. Commencement of work not started: 22 23 24 a. Building, Plumbing, Mechanical, or 25 Electric Permit Fee:	See SFBC Section 106A.4.4.1 Note: Compliance with additional codes is required.  75% of current fee

1	b. Plan Review Fee:	100% of current fee
2	4. Permit Facilitator Fee:	Plan Review Hourly Rate Hourly - Minimum
3		Three Hours See SFBC Section 106A.3.6
4	5. Pre-application Plan Review Fee:	Plan Review Hourly Rate - Minimum Two
5		Hours Per Employee
6	6. Reduced Plan Review Fee:	50% of the Plan Review Fee
7	7. Sign Plan Review Fee:	See Table 1A-A- Building Permit Fees
8	8. Site Permit Fee:	25% of Plan Review Fee based on Table
9		1A-A. Minimum fee \$500.00
10	9. Premium Plan Review Fee- Submitted	50% of Plan Review Fee plus \$1,000.00
11	application:	
12	10. Premium Plan Review Fee- Over the	50% of Plan Review Fee plus \$400.00
13	counter building plan review by appointment:	
14	<u>11. Third-Party Experts and Other Permit</u>	<u>Actual costs that the Department incurs in</u>
15	<u>Related Actions Fee:</u>	<u>administering and processing the action or</u>
16		<u>procedure on a time and materials basis.</u>
17	<u>12.</u> Other Services:	Hourly Rates per Table 1A-D

Section 4. 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.

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
3 additions, and Board amendment deletions in accordance with the "Note" that appears under  
4 the official title of the ordinance.  
5  
6

7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By:

  
10 ROBB W. KAPLA  
11 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Building Code –Third Party Expert Fees]

**Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to allow recovery of costs of third party experts and other permit related expenses; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

The Building Code does not contain provisions allowing the Department of Building Inspection ("Department") to recover costs for third party experts or other permit related expenses.

### Amendments to Current Law

The Proposed Legislation would allow the Department to recover third party expert fees or other permit related expenses from permit applicants. The Department shall charge the estimated costs for expert fees to the applicant before deeming the application complete. The costs shall be based on actual costs that the Department incurs in administering and processing the action or procedure on a time and materials basis. The Department shall recover any fees above the estimated amount from the applicant prior to issuing the final decision on an action. If the estimated fees exceed actual fees, the Department of Building Inspection shall refund the difference to the applicant.

### Background Information

The Proposed Legislation allows the Department to engage third party experts to assist in evaluating permits for complex projects. Direct engagement eliminates the need for the Department to coordinate third party experts with permit applicants, and allows the Department to more efficiently select and utilize experts to address Department needs.

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BOARD of SUPERVISORS



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

September 13, 2017

File No. 170942

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On September 5, 2017, Supervisor Peskin introduced the following proposed legislation:

**File No. 170942**

**Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to allow recovery of costs of third party experts and other permit related expenses; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

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

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2017.09.21 15:44:00 -0700

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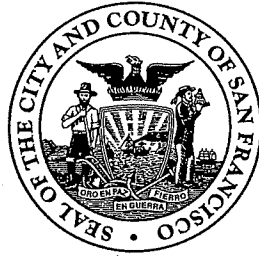
Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
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Date: 2017.09.21 15:44:00 -0700





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## NOTICE OF PUBLIC HEARING

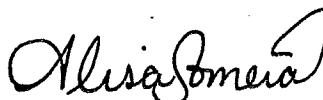
### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Monday, February 5, 2018
- Time:** 1:30 p.m.
- Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject:** File No. 170942. Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to allow recovery of costs of third party experts and other permit related expenses; and affirming the Planning Department's determination under the California Environmental Quality Act.

If the legislation passes, a new fee would be established and charged on a time and materials basis to allow the Department of Building Inspection ("Department") to recover third party expert fees or other permit related expenses when evaluating complex projects. The Department shall provide the applicant with a written estimate of these costs at the time of application and the fees shall be paid prior to the completion of the application. If the actual costs exceed the estimated fees, the outstanding amount shall be a condition of the final decision on the action or procedure. If the estimated fees exceed the actual costs, the Department shall refund the applicant within a reasonable period.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, February 2, 2018.

  
for Angela Calvillo  
Clerk of the Board

DATED/POSTED: January 24, 2018  
PUBLISHED: January 26 & February 1, 2018

# CALIFORNIA NEWSPAPER SERVICE BUREAU

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ALISA SOMERA  
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description AS - 02.05.18 Land Use - 170942 Fee Ad

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

01/26/2018 , 02/01/2018

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

EXM# 3093533

NOTICE OF PUBLIC HEARING  
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO  
LAND USE AND TRANSPORTATION COMMITTEE  
MONDAY, FEBRUARY 5, 2018 - 1:30 PM  
LEGISLATIVE CHAMBER, ROOM 250, CITY HALL  
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

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Land Use and Transportation Committee

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Laura Lynch, Environmental Planning

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## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 13, 2017

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Peskin on September 5, 2017:

**File No. 170942**

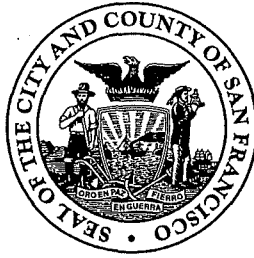
**Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to allow recovery of costs of third party experts and other permit related expenses; and affirming the Planning Department's determination under the California Environmental Quality Act.**

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: [Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org).

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection

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
c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 SEP 5 PM 2:49  
Time stamp

BY  or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

ease check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

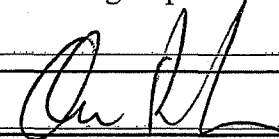
**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:



For Clerk's Use Only





# Land Use Committee

February 5, 2018

## DBI Cost-Recovery for Peer Reviews



- DBI Selects third party experts per skill sets required.
- DBI creates a contract per scope of work, time and materials estimated by DBI and third party contractor.
- DBI, third party peer review team and project sponsor hold initial meeting to verify scope of work/estimated hours, and project sponsor pays DBI a percentage of this estimate at the time of filing for the project's site permit. The remainder will be paid prior to the project's final inspection and issuance of either the temporary certificate of occupancy, or final CFC.
- DBI pays the third party expert peer review panel per contract and submitted invoices based upon time and materials specific to the project. DBI has budgeted additional monies in its professional services to cover any potential costs due in advance of collecting its cost-recovery fees from the project sponsor.

