File No. 230212 **Committee Item No.** 3
Board Item No. 7

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation Committee **Date** May 15, 2023

Board of Supervisors Meeting **Date** **May 23, 2023**

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☐	☐	**Resolution**
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X	X	Referral CEQA PC 032423
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X	X	Melgar Comm Rpt Memo 051023
☐	X	

Completed by: Erica Major **Date** May 11, 2023
Completed by: Erica Major **Date** May 16, 2023

BOARD of SUPERVISORS

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M E M O R A N D U M

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

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

DATE: May 16, 2023

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, May 16, 2023

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, May 16, 2023. This item was acted upon at the Committee Meeting on Monday, May 15, 2023, at 1:30 p.m., by the votes indicated.

Item No. 27 **File No. 230212**

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Vote:

Supervisor Myrna Melgar - Aye
Supervisor Dean Preston - Aye
Supervisor Aaron Peskin - Aye

DUPLICATED AS AMENDED

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote:

Supervisor Myrna Melgar - Aye
Supervisor Dean Preston - Aye
Supervisor Aaron Peskin - Aye

cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

[Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation]

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to 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. Land Use and Environmental 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. 230212 and is incorporated herein by reference. The Board affirms this determination.

(b) On May 4, 2023, the Planning Commission, in Resolution No. 21318, 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. 230212, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 21318, and the Board incorporates such reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 230212.

Section 2. Background and Findings.

(a) Annually, May is Small Business Month, during which the Board of Supervisors recognizes the importance of small businesses in San Francisco. As part of this recognition, each year during Small Business Month, there are waivers of various local permit fees that have acted as a bar for many small businesses to improve their building facades and store fronts. Fee waivers include fees for the replacement of awnings, signs on awnings, and installation of pedestrian level lighting. These existing fee waivers are contained in an uncodified Section 4 of Ordinance No. 149-16 in Board of Supervisors File No. 160632 and in Tables 1A-A and 1A-E of the Building Code. This ordinance would codify the existing awning fee waivers, and, in addition, expand fee waivers to include <u>permits for</u> the installation of new awnings<u>, where the application for such permit occurs in the month of May 2023 and May 2024</u>, waive plan review and inspection fees of the aforementioned awning and lighting

permits under the Fire Code, and key the Planning, Building, and Fire Code fee waivers to application for the permit in May rather than issuance of the permit in May.

(b) On April 19, 2023, at a duly noticed public hearing, the Building Inspection Commission considered this ordinance in accordance with Charter Section D3.750-5 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Building Inspection Commission regarding the Commission's recommendation is on file with the Clerk of the Board of Supervisors in File No. 230212.

(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 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 3. Article 3.5 of the Planning Code is hereby amended by revising Section 350, to read as follows:

SEC. 350. FEES.

* * * *

(j) **Deferred or Reduced Fee; Fee Waivers.**

(1) Any fraternal, charitable, benevolent, or any other nonprofit organization, that is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent, or other nonprofit organization, or public entity, that submits an application for the development of residential units all of which are affordable to low and moderate income households, as defined by the United States Housing and Urban Development Department,

for a time period that is consistent with the policy of the Mayor's Office of Housing and Community Development and the Successor to the San Francisco Redevelopment Agency, may defer payment of the fees except those for discretionary review and appeals to the Board of Supervisors until (A) before final Planning Department approval of the building permit, preparatory to issuance of the building permit, before the building permit is released to the applicant, or (B) within one year of the date of action on the application, whichever comes first. This ~~*exemption*~~ *deferral provision* shall apply notwithstanding the inclusion in the development of other nonprofit ancillary or accessory uses. Should the project be withdrawn prior to final Planning approval, the applicant shall pay time and material costs pursuant to Section 350(g).

(2) An exemption from paying the full fees specified for discretionary review or appeals to the Board of Supervisors may be granted when the requestor's income is not enough to pay for the fee without affecting ~~*his or her abilities*~~ *their ability* to pay for the necessities of life, provided that the*y* ~~*person seeking the exemption*~~ demonstrate~~s~~ to the Planning Director or ~~*his/her*~~ *the Director's* designee that ~~*he or she*~~*they* would be substantially affected by the proposed project.

(3) Certain of the fees charged in accordance with subsections (b) and (c) are subject in some circumstances to waiver, as stated in Section 4 of Ordinance No. 149-16 in Board of Supervisors File No. 160632*, or as stated below. Description of the waivers below does not affect the other waiver provisions in Section 4 of Ordinance No. 149-16.*

Small Business Month Fee Waivers: No Planning Department fees shall apply to a Small Business that applies for a permit for awning replacement~~, awning installation,~~ *or signs on awnings during the month of May*. No Planning Department fees shall apply to a Small Business that applies for a permit for awning installation during the months of May 2023 and May 2024. *For purposes of this subsection (j)(3), a Small Business shall be a business with a total workforce of 100 or*

fewer fulltime employees. To the extent this provision for Small Business Month Fee Waivers differs from the description in subsection (f) on page 43 of Ordinance No. 149-16, this provision governs.

* * * *

Section 4. Chapter 110A of the San Francisco Building Code is hereby amended by revising Section 110A, to read as follows:

SECTION 110A – SCHEDULE OF FEE TABLES

* * * *

TABLE 1A-A – BUILDING PERMIT FEES

	NEW CONSTRUCTION [1,3]		***ALTERATIONS*** [1,2,3]		***NO PLANS*** [1,2,3]
TOTAL VALUATION	**PLAN REVIEW FEE**	**PERMIT ISSUANCE FEE**	**PLAN REVIEW FEE**	**PERMIT ISSUANCE FEE**	**PERMIT ISSUANCE FEE**
* * * *					

NOTES:

1. These permit fees do not include other fees that may be required by other Departments: Public Works, Planning, Fire, Public Health, etc., nor do they include plumbing, electrical or mechanical permit fees unless so stated in the other fee tables.

2. A surcharge of $5.00 shall be added to those alteration permits sought for buildings classified as R3 (one/two-family dwelling) and E3 (licensed day care) that were constructed prior to 1979 to implement the interior lead safe work practices provisions of Section 3407 et seq. of this code.

3. All permit fees related to reviewing the structural integrity of awning replacements ~~and awning installations~~ for permits submitted "over the counter" at the Central Permit Bureau are hereby waived for any *Small Business that applies for a* permit ~~*issued to a Small Business Enterprise*~~ for such activities during the month of May. All permit fees related to reviewing the structural integrity of awning installations for permits submitted "over the counter" at the Central Permit Bureau are hereby waived for any Small Business that applies for a permit for such activities during the months of May 2023 and May 2024. For purposes of this Section, a Small Business ~~*Enterprise*~~ shall be a business *with a total workforce of* ~~*that has*~~ 100 or fewer *fulltime* employees. ~~*The Planning Department and the Department of Building Inspection shall establish a process by which those two departments will certify that an applicant is a Small Business Enterprise for the purpose of this Section and Section 355 350 of the Planning Code.*~~ *To the extent this provision for Small Business Month Fee Waivers differs from the description in subsection (f) on page 43 of Ordinance No. 149-16, this provision governs.*

* * * *

TABLE 1A-E – ELECTRICAL PERMIT ISSUANCE AND INSPECTION FEE SCHEDULE

A. Permit applicants are required to itemize the proposed scope of work and select the appropriate category and fee amount.

B. Separate permits are required for each structure, condominium unit, existing dwelling unit (except in R3 occupancies), common area, commercial office floor or individual tenant space.

C. Standard hourly permit issuance and inspection rates shall apply for installations not covered by this fee schedule.

D. Fees shall be paid in full prior to obtaining: occupancy approval, job card signature, permission to energize, or final signoff, as applicable.

E. For the purpose of fee calculation: appliances and utilization equipment each count as one outlet or device in addition to receptacles, switches, and light outlets.

F. All permit fees related to reviewing the installation of pedestrian level lighting are hereby waived for any *Small Business that applies for a* permit ~~*issued*~~ for such activities ~~*for Small Business Enterprises*~~ during the month of May. For purposes of this Section, a Small Business ~~*Enterprise*~~ shall be a business *with a total workforce of* ~~*that has*~~ 100 or fewer *fulltime* employees. ~~*The Planning Department and the Department of Building Inspection shall establish process by which those two departments will certify that an applicant is a Small Business Enterprise for the purpose of this Section and Section 355 350 of the Planning Code.*~~ *To the extent this provision for Small Business Month Fee Waivers differs from the description in subsection (f) on page 43 of Ordinance No. 149-16, this provision governs.*

See Table 1A-R for refund policy.

See Table 1A-J for permit extensions.

* * * *

Section 5. Chapter 107 of the San Francisco Fire Code is hereby amended by revising Section 107.17, to read as follows:

107.17. ~~***Reserved.***~~ ***[FOR SF] Small Business Month Fee Waivers.***

Notwithstanding the fees established herein, all plan review and inspection fees related to reviewing the structural integrity of awning replacements~~, awning installations,~~ *and installation of pedestrian level lighting for permits submitted "over the counter" at the Central Permit Bureau are hereby waived for any Small Business that applies for a permit for such activities during the month of*

May. No plan review and inspection fees shall apply to a Small Business that applies for a permit for awning installation during the months of May 2023 and May 2024. *For purposes of this Section, a Small Business shall be a business with a total workforce of 100 or fewer fulltime employees.*

Section 6. Effective Date; Retroactivity.

(a) 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.

(b) The Board of Supervisors intends that this ordinance be operative during the entirety of May 2023, which is Small Business Month. To effectuate this intent, the operative provisions of this ordinance shall be retroactive to May 1, 2023 should the effective date of the ordinance occur after May 1, 2023. If any fees that are waived by this ordinance have been collected prior to its effective date, said fees shall be promptly refunded ~~on or after the effective date of the ordinance~~, without interest, upon request of the payor of the fee. Any refund request under this subsection (b) must be filed in writing with the Central Permit Bureau within one year of payment of the fee.

Section 7. 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.

Section 8. Effect of Ordinance on Ordinance No. 149-16; Directions to Clerk of the Board of Supervisors.

(a) This ordinance overlaps with subsection (f) on page 43 of Ordinance No. 149-16, duplicating some of that subsection's features but making some changes. To the extent the provisions of this ordinance differ from those of Ordinance No. 149-16, the provisions of this ordinance govern. This ordinance therefore supersedes subsection (f) on page 43 of Ordinance No. 149-16.

(b) Upon the effective date of this ordinance, the Clerk of the Board of Supervisors shall place a copy of this ordinance in Board File No. 160632, the file for Ordinance No. 149-16. In addition, the Clerk of the Board shall indicate on the Board's website chart for ordinances enacted in 2016 that Ordinance No. 149-16 has been superseded in part by this ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Giulia Gualco-Nelson
GIULIA GUALCO-NELSON
Deputy City Attorney

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FILE NO. 230212

REVISED LEGISLATIVE DIGEST

(Amended in Committee, 5/15/2023)

[Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation]

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

Existing Law

May is Small Business Month in San Francisco. (See Administrative Code Section 2A.240(a)(7).)

Planning Code Section 350 authorizes the Planning Department to charge fees to compensate the Department for the cost of processing applications, developing and revising land use controls, and performing or providing other activities and services. Currently, such fees are contained in Ordinance No. 149-16.

Planning Code Section 350(j) provides for waivers or reductions of certain fees. Certain waivers are contained in Ordinance No. 149-16, which includes a waiver for permit fees for awning replacement and signs on awnings during the month of May for a Small Business Enterprise.

Building Code Section 110A contains the schedule of fees for building permits. Table 1A-A contains a fee waiver for awning replacements for a Small Business Enterprise during the month of May. Table 1A-E contains a fee waiver for pedestrian-level lighting permits for a Small Business Enterprise during the month of May.

Fire Code Section 107 contains the schedule of fees for plan review and inspection. Table 107-B contains the fee schedule for plan review. Table 107-C contains the schedule of fees for field inspections.

Amendments to Current Law

This ordinance would amend Planning Code Section 350(j) to codify the existing planning fee waivers for Small Businesses. It would also add a fee waiver for new installation of awnings during the months of May 2023 and May 2024.

This ordinance would also amend Building Code Section 110A to add the building permit fee waiver for new installation of awnings for Small Businesses during the months of May 2023 and May 2024, and make additional clarifying edits.

This ordinance would amend Section 107 of the Fire Code to add a waiver of plan review and inspection fees for awning replacements and installation of pedestrian level lighting for Small Businesses during the month of May. Additionally, it would add a waiver for awning installations during the months of May 2023 and May 2024.

This ordinance also clarifies that the fee waivers are available to Small Businesses that apply for a permit during the month of May. The ordinance defines a "Small Business" as one with a total workforce of 100 or fewer fulltime employees.

The operative provisions of this ordinance shall be retroactive to May 1, 2023 should the effective date of the ordinance occur after May 1, 2023.

This ordinance also contains provisions that overlap with subsection (f) on page 43 of Ordinance No. 149-16. To the extent the provisions of this ordinance differ from those of Ordinance No. 149-16, the provisions of this ordinance govern.

Background Information

This legislative digest reflects amendments made at the Land Use and Transportation Committee on May 15, 2023. Those amendments:

- clarified the refund procedures; and
- limited the waiver of Planning, Building, and Fire permit and inspection fees for new awning installations to permits applied for during the months of May 2023 and May 2024.

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BOARD of SUPERVISORS

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MEMORANDUM

Date: March 24, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230212
Planning, Building Codes - Small Business Month Fee Waivers Including for Awning Installation

☒ 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 Erica Major at Erica.Major@sfgov.org.

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.
03/31/2023

BOARD of SUPERVISORS

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Tel. No. (415) 554-5184
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MEMORANDUM

Date: March 3, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230212
Planning, Building Codes - Small Business Month Fee Waivers Including for Awning Installation

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
☒ Ordinance / Resolution
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☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

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.

3/31/2023

San Francisco Planning

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

May 11, 2023

Ms. Angela Calvillo, Clerk
Honorable Supervisor Engardio
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 2023-002633PCA:
Small Business Month Fee Waivers Including for Awning Installation
Board File No. 230212

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo and Supervisor Engardio,

On May 4, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Engardio that would amend Planning Code Section 350. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Expand the fee waiver program to apply to all sign permits applied for in May.

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.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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,



Aaron D. Starr
Manager of Legislative Affairs

cc: Giulia Gualco-Nelson, Deputy City Attorney
Tita Bell, Aide to Supervisor Engardio
Erica Major, 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. 21318

HEARING DATE: MAY 4, 2023

Project Name:	Small Business Month Fee Waivers Including for Awning Installation
Case Number:	2023-002633PCA [Board File No. 230212]
Initiated by:	Supervisor Engardio / Introduced March 21, 2023
Staff Contact:	Veronica Flores, Legislative Affairs veronica.flores@sfgov.org, 628-652-7525
Reviewed by:	Aaron D Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, (628) 652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD THE PLANNING, BUILDING, AND FIRE CODES TO CODIFY THE ANNUAL WAIVER OF AWNING REPLACEMENT FEES AND AWNING SIGN FEES APPLIED FOR DURING THE MONTH OF MAY, TO ANNUALLY WAIVE FEES FOR NEW AWNING INSTALLATIONS APPLIED FOR DURING THE MONTH OF MAY, AND TO INDICATE THAT THE PLANNING CODE, BUILDING, AND FIRE CODE WAIVERS PERTAINING TO PEDESTRIAN STREET LIGHTING AS WELL AS AWNING REPLACEMENT, AWNING INSTALLATION, AND AWNING SIGN FEES ARE KEYED TO PERMIT APPLICATION IN MAY RATHER THAN PERMIT ISSUANCE IN MAY; 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 PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on February 14, 2023 Supervisor Engardio introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 230212, which would the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 4, 2023; and,

WHEREAS, the proposed Ordinance is not defined as a project under the California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment; 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 approves with modification the proposed ordinance. The Commission's proposed recommendation is as follows:

1. Expand the fee waiver program to apply to all sign permits applied for in May.

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 will codify an existing fee waiver program for small businesses seeking permits during the month of May to legalize awnings, signs on awnings, or pedestrian lighting.

The proposed Ordinance expands the existing fee waiver program to also waive permit fees for new awning installations and all signs.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modification is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3
Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 4
IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY, THE EQUITABLE DISTRIBUTION OF INFRASTRUCTURE, AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.1
Maintain and enhance a favorable business climate in the city.

OBJECTIVE 6
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.2
Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

URBAN DESIGN ELEMENT

OBJECTIVE 4
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.7
Encourage and assist in voluntary programs for neighborhood improvement.

The proposed Ordinance provides a gesture of goodwill for small businesses by waiving certain permit fees during the month of May. The program was made permanent in May 2014 and has since been relocated to an uncodified section of the Building Code. Codifying this fee waiver program supports the Commerce and Industry Element's goals of maintaining and enhancing a favorable business climate in the city. Additionally, the proposed Ordinance also supports the Urban Design Element's policy to encourage and assist with voluntary programs for neighborhood improvement.

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 APPROVES WITH MODIFICATIONS 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 4, 2023.

Jonas P. Ionin
Commission Secretary

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: Ruiz

ADOPTED: May 4, 2023

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San Francisco Planning

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EXECUTIVE SUMMARY
PLANNING, BUILDING, AND FIRE CODE TEXT AMENDMENT

HEARING DATE: May 4, 2023

90-Day Deadline: June 22, 2023

Project Name:	Small Business Month Fee Waivers Including for Awning Installation
Case Number:	2023-002633PCA [Board File No. 230212]
Initiated by:	Supervisor Engardio / Introduced March 21, 2023
Staff Contact:	Veronica Flores, Legislative Affairs veronica.flores@sfgov.org, 628-652-7525
Reviewed by:	Aaron D Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, (628) 652-7533
Recommendation:	Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May.

The Way It Is Now:	**The Way It Would Be:**
The Small Business Month Fee Waiver Program is currently listed in the Building Code's Fee Table, an uncodified section of the Code.	This fee waiver program would be codified in the Planning, Building, and Fire Codes.
This program applies to permit fees related to awning replacements, sign copy on awnings, and pedestrian street lighting for permits issued in the month of May.	This program would also apply to permits for new awnings. The Fee Waiver Program would apply to awning permits that are *applied for* in May, regardless of when the permit is issued. This Ordinance would be retroactive to May 1, 2023.

The Way It Is Now:	The Way It Would Be:
Small businesses are eligible for this fee waiver program if they have 100 or fewer employees, as verified jointly by the Planning Department and Department of Building Inspection.	Small businesses would be eligible for this fee waiver program if they have 100 or fewer full-time employees.

Background

The proposed Ordinance seeks to codify an existing program-wide fee waiver within the Planning, Building, and Fire Codes. This fee waiver program first started in 2012[1] and renewed annually until 2014, during which time it was made permanent.[2] It was previously included in Planning Code Section 355. In 2016, Section 355 was repealed and the fee waiver program was then moved to Table 1A-A – Building Permits Fees of the Building Code,[3] which is an uncodified section of the Code. The proposed Ordinance seeks to codify and expand this existing fee waiver program again for transparency.

Small Business and Building Inspection Commissions

The Small Business Commission held a public hearing on March 13, 2023 and unanimously recommended approval of the Ordinance. As part of their approval, the Small Business Commission noted that this will help businesses that may not have permits for their awnings or that have received Notices of Violation for noncompliant awnings by waiving costly permitting fees. Additionally, the Building Inspection Commission held a public hearing on March 15, 2023, and also unanimously recommended approval of the proposed Ordinance.

Issues and Considerations

Small Business Month Fee Waiver

May is Small Business and Building Safety Month (Small Business Month) and the Board of Supervisors adopted legislation to support small businesses by waiving various local permit fees for the month of May. This program began as a pilot program in 2012 and was renewed annually until 2014, at which time the program was made permanent. The fee waiver applies to permits for the replacement of awnings, signs on awnings, and installation of pedestrian level lighting as these fees have acted as a barrier for many small businesses to improve their building facades and store fronts.

Small Business Verification

The original Ordinance required the Planning Department and the Department of Building Inspection to verify qualifying small businesses based on the total number of employees. Currently, there is no such process in place because these two Departments do not have access to employee information. The proposed Ordinance removes this responsibility from the Planning Department and the Department of Building Inspection. Instead, Supervisor

[1] Board File No. 120188, Ordinance 63-12
[2] Board File No. 140312, Ordinance 63-14
[3] Board File No. 160632, Ordinance 149-16

Engardio is working with the Department of Building Inspection to revise the applicable permit forms so that the applicant is responsible for disclosing, under penalty of perjury, whether or not they qualify for the program.

Fiscal Impact

Since the Small Business Fee Waiver program was made permanent, approximately 50 qualifying awning permits had their fees waived. Table 1 shows this is approximately 7.8% of the total awning permits applied for during this same timeframe.

Table 1: Awning Permits Since 2014

Year	Total Permits for Awnings	Number of Awning Permits in May
2014 Q2-Q4	22	0
2015	84	12
2016	71	3
2017	78	11
2018	94	10
2019	75	4
2020	50	1
2021	67	3
2022	76	6
2023	27	TBD
TOTAL:	644	50

Source: Planning Department data pulled on March 28, 2023.

Based on today's permit fees listed in Table 1A-A – Building Permits Fees of the Building Code, this resulted in approximately $8,370 permit fees waived under this program for 50 signs. This assumes the construction cost of all the awning permits is $1; however, permit fees would be greater if construction costs are greater than $500 based on today's Fee Schedule. The Department noted that the month of May does not always have a greater number of awning permits compared to other months of the year. If more small businesses take advantage of this program during the month of May, the Department believes the fiscal impact will increase but still be minimally impactful on fee revenues collected.

General Plan Compliance

The proposed Ordinance provides a gesture of goodwill for small businesses by waiving certain permit fees during the month of May. The program was made permanent in May 2014 and has since been relocated to an uncodified section of the Building Code. Codifying this fee waiver program supports the Commerce and Industry Element's goals of maintaining and enhancing a favorable business climate in the city. Additionally, the proposed Ordinance also supports the Urban Design Element's policy to encourage and assist with voluntary programs for neighborhood improvement.

Racial and Social Equity Analysis

The Planning Code amendments in the proposed Ordinance support racial and social equity by expanding an existing fee waiver program benefiting small businesses. Many small businesses have unpermitted awnings and signs. If they are reported to the City, the City issues a Notice of Violation for noncompliance. Oftentimes, small business owners are not aware of permitting requirements and find themselves in a confusing, and sometimes expensive, process to come into compliance.

The proposed Ordinance alleviates some of the financial burden by waiving permit fees for qualifying small businesses during Small Business Month in May. The Department notes that the program is not widely used right now based on the low number of awning permits issued during the month of May. Further, data shows that there are sometimes other months of the year with a greater number of awning permits. The City should better advertise this program because not many small businesses seem to be benefitting from it right now.

While the existing Small Business Fee Waiver Program and the proposed Ordinance's expansion of the program supports small businesses, more can be done to further racial and social equity. Article 6 of the Planning Code, which outlines all the sign regulations, does not account for different communities with specific aesthetical preferences, some of which do not fit within the existing sign regulations. Future Ordinances and other efforts should consider amendments to the awning and sign controls that are more cognizant of different cultural preferences because one size or one design does not fit all. Because of this, small businesses participating in the Small Business Month Fee Waiver Program may still have to revise the existing awning or sign to comply with the Code resulting in additional costs to bring the awning or sign into compliance. In some cases, some of these small business owners have had their current sign up for 30+ years without any complaints or forcing any undue harm to the community.

The Department of Building Inspection recently received a large batch of awning and sign complaints targeting certain neighborhoods such as Chinatown or Richmond, both historically communities of color. The City has reached out to these communities where there are prolific awning or sign permit violations to help them abate the violation as quickly as possible. The City also hopes to prevent any enforcement issues for these small business owners in these targeted communities, and ensuring the sign regulations are responsive to different cultural aesthetics could be a first step.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures. Planning Department review of awnings and signs will continue in the same manner at the Permit Center. Additionally, the Department of Building Inspection still issues permits and calculates and collects (or waives) permit fees.

The proposed Ordinance improves the Department's current implementation process by eliminating a determination process jointly required of Planning Department and the Department of Building Inspection with respect to verifying the number of employees for the small businesses. This is information that neither department has readily available and is better suited for other agencies to assess or for the applicant to verify during the permit application process.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendation is as follows:

1. Expand the fee waiver program to apply to all sign permits applied for in May.

Basis for Recommendation

The Department supports the overall goals of this Ordinance because it provides an incentive to improve business facades at what would be a minimal cost to the City but would provide certainty of fee waivers for such scopes of work during Small Business Month each year. Additionally, the Department believes the proposed Ordinance would benefit from the following recommended modification:

Recommendation 1: Expand the fee waiver program to apply to all sign permits applied for in May.
The Department assessed the potential fees waived if signs were included as part of program since 2014, only during the month of May. Table 2 shows that approximately 7.2% of signs permits since 2014 were filed during the month of May. Based on today's permit fees listed in Table 1A-A – Building Permits Fees of the Building Code, this would have resulted in approximately $54,405 permit fees waived under this program. This again assumes the construction cost of all the sign permits is $1 yielding minimal permit fees; however, permit fees would be greater if construction costs are greater than $500 based on today's Fee Schedule. Based on this approach, approximately $62,775 in permit fees would have been waived since 2014 if signs were also included. However, the Department of Building Inspection would have the most accurate fee information since they are the lead agency in collecting (or waiving) permit fees. That said, the Department still believes the additional fees waived under this recommended modification are immaterial and balances out the need to support small businesses.

Table 2: Sign Permits Since 2014

Year	Total Permits for Signs	Number of Sign Permits in May
2014 Q2-Q4	135	0
2015	556	45
2016	477	76
2017	550	52
2018	626	59
2019	561	48
2020	425	9
2021	516	26
2022	564	43
2023	126	TBD
TOTAL:	4,536	325

Source: Planning Department data pulled on March 28, 2023.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect 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. 230212

EXHIBIT A

San Francisco Planning

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www.sfplanning.org

PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: MAY 4, 2023

Project Name:	Small Business Month Fee Waivers Including for Awning Installation
Case Number:	2023-002633PCA [Board File No. 230212]
Initiated by:	Supervisor Engardio / Introduced March 21, 2023
Staff Contact:	Veronica Flores, Legislative Affairs veronica.flores@sfgov.org, 628-652-7525
Reviewed by:	Aaron D Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, (628) 652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD THE PLANNING, BUILDING, AND FIRE CODES TO CODIFY THE ANNUAL WAIVER OF AWNING REPLACEMENT FEES AND AWNING SIGN FEES APPLIED FOR DURING THE MONTH OF MAY, TO ANNUALLY WAIVE FEES FOR NEW AWNING INSTALLATIONS APPLIED FOR DURING THE MONTH OF MAY, AND TO INDICATE THAT THE PLANNING CODE, BUILDING, AND FIRE CODE WAIVERS PERTAINING TO PEDESTRIAN STREET LIGHTING AS WELL AS AWNING REPLACEMENT, AWNING INSTALLATION, AND AWNING SIGN FEES ARE KEYED TO PERMIT APPLICATION IN MAY RATHER THAN PERMIT ISSUANCE IN MAY; 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 PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on February 14, 2023 Supervisor Ronen introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 230212, which would the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 4, 2023; and,

WHEREAS, the proposed Ordinance is not defined as a project under the California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment; 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 approves with modification the proposed ordinance. The Commission's proposed recommendation is as follows:

1. Expand the fee waiver program to apply to all sign permits applied for in May.

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 will codify an existing fee waiver program for small businesses seeking permits during the month of May to legalize awnings, signs on awnings, or pedestrian lighting.

The proposed Ordinance expands the existing fee waiver program to also waive permit fees for new awning installations and all signs.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modification is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3
Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 4
IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY, THE EQUITABLE DISTRIBUTION OF INFRASTRUCTURE, AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.1
Maintain and enhance a favorable business climate in the city.

OBJECTIVE 6
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.2
Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

URBAN DESIGN ELEMENT

OBJECTIVE 4
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.7
Encourage and assist in voluntary programs for neighborhood improvement.

The proposed Ordinance provides a gesture of goodwill for small businesses by waiving certain permit fees during the month of May. The program was made permanent in May 2014 and has since been relocated to an uncodified section of the Building Code. Codifying this fee waiver program supports the Commerce and Industry Element's goals of maintaining and enhancing a favorable business climate in the city. Additionally, the proposed Ordinance also supports the Urban Design Element's policy to encourage and assist with voluntary programs for neighborhood improvement.

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 APPROVES WITH MODIFICATIONS 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 4, 2023

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: May 4, 2023

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[Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation]

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to 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. Land Use and Environmental 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 finds that this Planning Code amendment 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. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

Section 2. Background and Findings.

(a) Annually, May is Small Business Month, during which the Board of Supervisors recognizes the importance of small businesses in San Francisco. As part of this recognition, each year during Small Business Month, there are waivers of various local permit fees that have acted as a bar for many small businesses to improve their building facades and store fronts. Fee waivers include fees for the replacement of awnings, signs on awnings, and installation of pedestrian level lighting. These existing fee waivers are contained in an uncodified Section 4 of Ordinance No. 149-16 in Board of Supervisors File No. 160632 and in Tables 1A-A and 1A-E of the Building Code. This ordinance would codify the existing awning fee waivers, and, in addition, expand fee waivers to include the installation of new awnings, waive plan review and inspection fees of the aforementioned awning and lighting permits

under the Fire Code, and key the Planning, Building, and Fire Code fee waivers to application for the permit in May rather than issuance of the permit in May.

(b) On _____, at a duly noticed public hearing, the Building Inspection Commission considered this ordinance in accordance with Charter Section D3.750-5 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Building Inspection Commission regarding the Commission's recommendation is on file with the Clerk of the Board of Supervisors in File No. _____.

(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 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 3. Article 3.5 of the Planning Code is hereby amended by revising Section 350, to read as follows:

SEC. 350. FEES.

* * * *

(j) **Deferred or Reduced Fee; Fee Waivers.**

(1) Any fraternal, charitable, benevolent, or any other nonprofit organization, that is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent, or other nonprofit organization, or public entity, that submits an application for the development of residential units all of which are affordable to low and moderate income households, as defined by the United States Housing and Urban Development Department,

for a time period that is consistent with the policy of the Mayor's Office of Housing and Community Development and the Successor to the San Francisco Redevelopment Agency, may defer payment of the fees except those for discretionary review and appeals to the Board of Supervisors until (A) before final Planning Department approval of the building permit, preparatory to issuance of the building permit, before the building permit is released to the applicant, or (B) within one year of the date of action on the application, whichever comes first. This ~~*exemption*~~ *deferral provision* shall apply notwithstanding the inclusion in the development of other nonprofit ancillary or accessory uses. Should the project be withdrawn prior to final Planning approval, the applicant shall pay time and material costs pursuant to Section 350(g).

(2) An exemption from paying the full fees specified for discretionary review or appeals to the Board of Supervisors may be granted when the requestor's income is not enough to pay for the fee without affecting ~~*his or her abilities*~~ *their ability* to pay for the necessities of life, provided that the*y* ~~*person seeking the exemption*~~ demonstrate~~s~~ to the Planning Director or ~~*his/her*~~ *the Director's* designee that ~~*he or she*~~*they* would be substantially affected by the proposed project.

(3) Certain of the fees charged in accordance with subsections (b) and (c) are subject in some circumstances to waiver, as stated in Section 4 of Ordinance No. 149-16 in Board of Supervisors File No. 160632*, or as stated below. Description of the waivers below does not affect the other waiver provisions in Section 4 of Ordinance No. 149-16.*

Small Business Month Fee Waivers: No Planning Department fees shall apply to a Small Business that applies for a permit for awning replacement, awning installation, or signs on awnings during the month of May. For purposes of this subsection (j)(3), a Small Business shall be a business with a total workforce of 100 or fewer fulltime employees. To the extent this provision for Small

Business Month Fee Waivers differs from the description in subsection (f) on page 43 of Ordinance No. 149-16, this provision governs.

* * * *

Section 4. Chapter 110A of the San Francisco Building Code is hereby amended by revising Section 110A, to read as follows:

SECTION 110A – SCHEDULE OF FEE TABLES

* * * *

TABLE 1A-A – BUILDING PERMIT FEES

	NEW CONSTRUCTION [1,3]		***ALTERATIONS*** [1,2,3]		***NO PLANS*** [1,2,3]
TOTAL VALUATION	**PLAN REVIEW FEE**	**PERMIT ISSUANCE FEE**	**PLAN REVIEW FEE**	**PERMIT ISSUANCE FEE**	**PERMIT ISSUANCE FEE**
* * * *					

NOTES:

1. These permit fees do not include other fees that may be required by other Departments: Public Works, Planning, Fire, Public Health, etc., nor do they include plumbing, electrical or mechanical permit fees unless so stated in the other fee tables.

2. A surcharge of $5.00 shall be added to those alteration permits sought for buildings classified as R3 (one/two-family dwelling) and E3 (licensed day care) that were constructed prior to 1979 to implement the interior lead safe work practices provisions of Section 3407 et seq. of this code.

3. All permit fees related to reviewing the structural integrity of awning replacements *and awning installations* for permits submitted "over the counter" at the Central Permit Bureau are hereby waived for any *Small Business that applies for a* permit ~~*issued to a Small Business Enterprise*~~ for such activities during the month of May. For purposes of this Section, a Small Business ~~*Enterprise*~~ shall be a business *with a total workforce of* ~~*that has*~~ 100 or fewer *fulltime* employees. ~~*The Planning Department and the Department of Building Inspection shall establish a process by which those two departments will certify that an applicant is a Small Business Enterprise for the purpose of this Section and Section 355 350 of the Planning Code.*~~ *To the extent this provision for Small Business Month Fee Waivers differs from the description in subsection (f) on page 43 of Ordinance No. 149-16, this provision governs.*

* * * *

TABLE 1A-E – ELECTRICAL PERMIT ISSUANCE AND INSPECTION FEE SCHEDULE

A. Permit applicants are required to itemize the proposed scope of work and select the appropriate category and fee amount.

B. Separate permits are required for each structure, condominium unit, existing dwelling unit (except in R3 occupancies), common area, commercial office floor or individual tenant space.

C. Standard hourly permit issuance and inspection rates shall apply for installations not covered by this fee schedule.

D. Fees shall be paid in full prior to obtaining: occupancy approval, job card signature, permission to energize, or final signoff, as applicable.

E. For the purpose of fee calculation: appliances and utilization equipment each count as one outlet or device in addition to receptacles, switches, and light outlets.

F. All permit fees related to reviewing the installation of pedestrian level lighting are hereby waived for any *Small Business that applies for a* permit ~~*issued*~~ for such activities ~~*for Small Business Enterprises*~~ during the month of May. For purposes of this Section, a Small Business ~~*Enterprise*~~ shall be a business *with a total workforce of* ~~*that has*~~ 100 or fewer *fulltime* employees. ~~*The Planning Department and the Department of Building Inspection shall establish process by which those two departments will certify that an applicant is a Small Business Enterprise for the purpose of this Section and Section 355 350 of the Planning Code.*~~ *To the extent this provision for Small Business Month Fee Waivers differs from the description in subsection (f) on page 43 of Ordinance No. 149-16, this provision governs.*

See Table 1A-R for refund policy.

See Table 1A-J for permit extensions.

* * * *

Section 5. Chapter 107 of the San Francisco Fire Code is hereby amended by revising Section 107.17, to read as follows:

107.17. ~~***Reserved***~~**.** ***[FOR SF] Small Business Month Fee Waivers.***

Notwithstanding the fees established herein, all plan review and inspection fees related to reviewing the structural integrity of awning replacements, awning installations, and installation of pedestrian level lighting for permits submitted "over the counter" at the Central Permit Bureau are hereby waived for any Small Business that applies for a permit for such activities during the month of May. For purposes of this Section, a Small Business shall be a business with a total workforce of 100 or fewer fulltime employees.

Section 6. Effective Date; Retroactivity.

(a) 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.

(b) The Board of Supervisors intends that this ordinance be operative during the entirety of May 2023, which is Small Business Month. To effectuate this intent, the operative provisions of this ordinance shall be retroactive to May 1, 2023 should the effective date of the ordinance occur after May 1, 2023. If any fees that are waived by this ordinance have been collected prior to its effective date, said fees shall be promptly refunded on or after the effective date of the ordinance.

Section 7. 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.

Section 8. Effect of Ordinance on Ordinance No. 149-16; Directions to Clerk of the Board of Supervisors.

(a) This ordinance overlaps with subsection (f) on page 43 of Ordinance No. 149-16, duplicating some of that subsection's features but making some changes. To the extent the provisions of this ordinance differ from those of Ordinance No. 149-16, the provisions of this ordinance govern. This ordinance therefore supersedes subsection (f) on page 43 of Ordinance No. 149-16.

(b) Upon the effective date of this ordinance, the Clerk of the Board of Supervisors shall place a copy of this ordinance in Board File No. 160632, the file for Ordinance No. 149-16. In addition, the Clerk of the Board shall indicate on the Board's website chart for ordinances enacted in 2016 that Ordinance No. 149-16 has been superseded in part by this ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Giulia Gualco-Nelson
GIULIA GUALCO-NELSON
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 20, 2023

London N. Breed
Mayor

COMMISSION

Raquel Bito
President

Jason Tam
Vice-President

Alysabeth Alexander-Tut
Bianca Neumann
Earl Shaddix
Angie Sommer

Sonya Harris
Secretary

Monique Mustapha
Asst. Secretary

Patrick O'Riordan, C.B.O., Director

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. 230212-2

Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

This amendment was heard at the Code Advisory Committee (CAC) meeting on April 12, 2023. The CAC recommended the adoption of ordinance File No. 230212-2 amending the Planning and Building Codes, which removed the requirement for the Building and Planning Departments to certify that an applicant is a small business enterprise.

The Building Inspection Commission met and held a public hearing on April 19, 2023 regarding File No. 230212-2 on the proposed amendment to the Planning and Building Codes referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance.

President Bito	Excused
Vice-President Tam	Yes
Commissioner Neumann	Yes
Commissioner Alexander-Tut	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	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 London N. Breed
Supervisor Engardio
Board of Supervisors

From:	Birnbach, Kerry (ECN)
To:	Major, Erica (BOS); Tang, Katy (ECN)
Subject:	RE: REFERRAL SBC (230212-2) Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation
Date:	Monday, March 27, 2023 10:04:20 AM

Thanks Erica. The Commission will not be hearing the substitute version so our initial recommendation still stands, FYI.

Thanks,
Kerry Birnbach

Senior Policy Analyst/Commission Secretary
Small Business Commission
628-652-4983 | kerry.birnbach@sfgov.org | she/her
Office of Small Business | City and County of San Francisco

From: Major, Erica (BOS) <erica.major@sfgov.org>
Sent: Friday, March 24, 2023 10:22 AM
To: Tang, Katy (ECN) <katy.tang@sfgov.org>
Cc: Birnbach, Kerry (ECN) <kerry.birnbach@sfgov.org>
Subject: REFERRAL SBC (230212-2) Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation

Greetings,

Attached please find the referral for the substitute version of Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation legislation. Please submit the Commission's response and comments for the inclusion to the file. Thanks!

ERICA MAJOR
Assistant Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click **HERE** to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters

since August 1998.

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Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

BUILDING INSPECTION COMMISSION (BIC)

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

March 16, 2023

London N. Breed
Mayor

COMMISSION

Raquel Bito
President

Jason Tam
Vice-President

Alysabeth Alexander-Tut
Bianca Neumann
Earl Shaddix
Angie Sommer

Sonya Harris
Secretary

Monique Mustapha
Asst. Secretary

Patrick O'Riordan, C.B.O., Director

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. 230212

Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code and Building Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

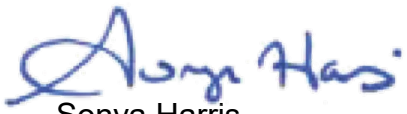
This amendment was heard at the Code Advisory Committee (CAC) meeting on March 8, 2023. The CAC recommended the adoption of ordinance File No. 230212 amending the Planning and Building Codes as written, with added language that the fee waiver for awnings should include legalization of unpermitted awnings.

The Building Inspection Commission met and held a public hearing on March 15, 2023 regarding File No. 230212 on the proposed amendment to the Planning and Building Codes referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance.

President Bito	Yes	Vice-President Tam	Yes
Commissioner Neumann	Yes	Commissioner Shaddix	Yes
Commissioner Alexander-Tut	Yes	Commissioner Sommer	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 London N. Breed
Supervisor Joel Engardio
Board of Supervisors

SAN FRANCISCO
OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
DIRECTOR KATY TANG

March 20, 2023

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 230212 – Small Business Month Fee Waiver - SUPPORT

Dear Ms. Calvillo,

On March 13, 2023 the Small Business Commission (the Commission) heard BOS File 230212 – Small Business Month Fee Waiver. Tita Bell, Legislative Aide to Supervisor Joel Engardio, presented the legislation. Ms. Bell explained that this proposal would expand the current Small Business Month Awning Fee Waiver Program by allowing fees for new awning installations to be waived. The existing Awning Fee Waiver Program currently waives fees for replacement awnings. It also clarifies that fees will be waived for awning applications submitted in May, even if permit issuance comes later. Lastly, the legislation includes a retroactivity clause in the event the ordinance is not enacted until after May 2023.

The Commission unanimously voted to support this legislation noting that this will help businesses that may not have permits for their awnings or that have received Notices of Violation for noncompliant awnings by waiving costly permitting fees. The Commission supports policies that pursue proactive compliance as an alternative to punitive enforcement, and this proposal furthers that goal.

The Commission commends Supervisor Engardio and his staff for their willingness to improve this important program. Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,

Katy Tang
Director, Office of Small Business

Member, Board of Supervisors
District 7

City and County of San Francisco

MYRNA MELGAR

DATE: May 10, 2023

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, May 16, 2023, as Committee Reports:

230297 **Initiating Landmark Designation - Westwood Park Entrance Gates and Pillars**
Sponsor: Melgar
Resolution initiating a landmark designation under Article 10 of the Planning Code of the Westwood Park Entrance Gates, located at the intersection of Miramar Avenue and Monterey Boulevard and the Westwood Park Entrance Pillars located at the intersection of Miramar Avenue and Ocean Avenue.

230269 **Commemorative Street Plaque - Judith Heumann - United Nations Plaza**
Sponsors: Melgar; Safai
Resolution authorizing the placement of a commemorative plaque or statuary in United Nations Plaza in memory of Judith Heumann; directing the Department of Public Works to carry out the installation of the aforementioned plaque or statuary.

230212 **Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation**
Sponsor: Engardio
Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, May 15, 2023, at 1:30 p.m.

City Hall · 1 Dr. Carlton B. Goodlett Place, Room 244 · San Francisco, California 94102-4689 · (415) 554-6516
TDD/TTY (415) 554-5227 · E-mail: Myrna.Melgar@sfgov.org

BOARD of SUPERVISORS

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

M E M O R A N D U M

TO: Eric D. Shaw, Director, Mayor's Office of Housing and Community Development
Thor Kaslofsky, Executive Director, Office of Community Investment and Infrastructure

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

DATE: March 24, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Engardio on March 21, 2022.

File No. 230212-2

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me 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.

cc: Lydia Ely, Mayor's Office of Housing and Community Development
Brian Cheu, Mayor's Office of Housing and Community Development
Maria Benjamin, Mayor's Office of Housing and Community Development
Sheila Nickolopoulos, Mayor's Office of Housing and Community Development
Lucinda Nguyen, Office of Community Investment and Infrastructure
Jaimie Cruz, Office of Community Investment and Infrastructure

BOARD of SUPERVISORS

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San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

M E M O R A N D U M

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

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

DATE: March 24, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Engardio on February 28, 2023:

File No. 230212-2

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to 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: Erica.Major@sfgov.org.

cc: Patty Lee, Department of Building Inspection

BOARD of SUPERVISORS

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

M E M O R A N D U M

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448

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

DATE: March 24, 2023

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 230212-2

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

****

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

____ **No Comment**

____ **Recommendation Attached**

_____
Chairperson, Small Business Commission

c: Kerry Birnbach

BOARD of SUPERVISORS

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

MEMORANDUM

Date: March 24, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230212
Planning, Building Codes - Small Business Month Fee Waivers Including for Awning Installation

☒ 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 Erica Major at Erica.Major@sfgov.org.

BOARD of SUPERVISORS

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

MEMORANDUM

Date: March 3, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230212
Planning, Building Codes - Small Business Month Fee Waivers Including for Awning Installation

☒ 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)

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(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 Erica Major at Erica.Major@sfgov.org.

BOARD of SUPERVISORS

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Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

M E M O R A N D U M

TO: Eric D. Shaw, Director, Mayor's Office of Housing and Community Development
Thor Kaslofsky, Executive Director, Office of Community Investment and Infrastructure

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

DATE: March 3, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Engardio on February 28, 2022.

File No. 230212

Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code and Building Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me 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.

cc: Lydia Ely, Mayor's Office of Housing and Community Development
Brian Cheu, Mayor's Office of Housing and Community Development
Maria Benjamin, Mayor's Office of Housing and Community Development
Sheila Nickolopoulos, Mayor's Office of Housing and Community Development
Lucinda Nguyen, Office of Community Investment and Infrastructure
Jaimie Cruz, Office of Community Investment and Infrastructure

BOARD of SUPERVISORS

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San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

M E M O R A N D U M

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

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

DATE: March 3, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Engardio on February 28, 2023:

File No. 230212

Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code and Building Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to 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: Erica.Major@sfgov.org.

cc: Patty Lee, Department of Building Inspection

BOARD of SUPERVISORS

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

M E M O R A N D U M

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448

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

DATE: March 3, 2023

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 230212

Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code and Building Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 pursuant to Planning Code, Section 302.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

____ **No Comment**

____ **Recommendation Attached**

_____
Chairperson, Small Business Commission

c: Kerry Birnbach