

[Building Code - Temporary Fee Reduction]

Ordinance extending the reduction of all Building Code fees for staff services by 7% until the effective date of an updated Building Code fee schedule and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

Section 1. 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.). The Board of Supervisors hereby affirms this determination. Said determination is on file with the Clerk of the Board of Supervisors in File No. 150027 and is incorporated herein by reference.

(b) In accordance with Ordinance No. 164-14, the Board of Supervisors reduced all Building Code fees for staff services by 7% for a period of six months. A copy of this ordinance is on file with the Clerk of the Board of Supervisors in File No. 140592. This six-month term was premised on completion of a the Department of Building Inspection fee study and the Board's adoption during this period of a new fee schedule based on the fee study. The fee study still is underway. As a consequence, the Board intends to extend the

1 temporary fee reduction until the fee study is completed, the City enacts an updated fee
2 schedule, and the updated fee schedule ordinance becomes effective.

3 (c) On December 17, 2014, the Building Inspection Commission held a duly noticed
4 hearing on this ordinance and recommended its approval. The Building Inspection
5 Commission Secretary submitted a letter to the Clerk of the Board of Supervisors that
6 reported this decision. A copy of said letter is on file with the Clerk of the Board of Supervisors
7 in File No. 150027.

8
9 Section 2. Temporary Fee Reduction.

10 (a) Notwithstanding the fee schedules contained in the Building Code Fee Tables 1A-A
11 – 1A-Q and 1A-S, the fee assessment for all Department of Building Inspection staff services
12 shall be reduced by 7% of those stated fees. This fee reduction shall be in effect until the
13 Department of Building Inspection completes a fee study, the City enacts an updated fee
14 schedule, and the updated fee schedule ordinance becomes effective.

15 (b) This ordinance does not affect Building Code Fee Table 1A-R, governing refunds.

16 (c) No existing permittee who paid Building Code fees prior to the effective date of
17 Ordinance No. 164-14 is eligible for the fee reduction specified in this ordinance or in
18 Ordinance No. 164-14 in regard to previously paid Building Code fees.

19 (d) The City Attorney shall direct the Building Code publisher to include a note in the
20 Building Code in Section 110A – Schedule of Fee Tables after the listing of Schedule of Fee
21 Tables that will notify the public of the temporary reduction in fees that are the subject of this
22 ordinance. The publisher shall remove the note following the period of the temporary fee
23 reduction.

1 Section 3. Retroactivity.

2 (a) The Board of Supervisors intends there to be no gap between the expiration of the
3 six-month 7% fee reduction in Ordinance No. 164-14, which expires on or about March 1,
4 2015, and the start of the extension of the 7% fee reduction identified in this ordinance.
5 Therefore, this ordinance shall be retroactive to the last day of the six-month fee reduction
6 should the effective date of this ordinance occur after expiration of the six-month period of the
7 initial fee reduction.

8 (b) If there is a time gap between the last day of the six-month 7% fee reduction in
9 Ordinance No. 164-14 and the start of the extension of the 7% fee reduction in this ordinance,
10 the Board of Supervisors intends that the Department of Building Inspection exercise
11 administrative discretion to continue to apply the 7% fee reduction during that time period.
12 Otherwise, in light of subsection (a)'s retroactivity provision, upon the effective date of this
13 ordinance, the Department of Building Inspection shall be obligated to refund any excess fess
14 collected during that time period.

15
16 Section 4. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 John D. Malamut
 Deputy City Attorney

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