

BOARD of SUPERVISORS



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June 7, 2017

File No. 170682

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:


On June 6, 2017, the Mayor Lee introduced the following legislation:

File No. 170682

Ordinance amending the Fire Code to increase the fees for certain Fire Department services, and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board


By: Linda Wong, Assistant Clerk

Attachment

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

1 [Fire Code - Fire Department Fees]

2
3 **Ordinance amending the Fire Code to increase the fees for certain Fire Department**
4 **services, and affirming the Planning Department's determination under the California**
5 **Environmental Quality Act.**

6 NOTE: Additions are single-underline italics Times New Roman;
7 deletions are ~~strike-through italics Times New Roman~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough-normal~~.
Asterisks (* * *) indicate the omission of unchanged Code or table
subsections.

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

11 Section 1. Environmental Findings. The Planning Department has determined that the
12 actions contemplated in this ordinance comply with the California Environmental Quality Act
13 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
14 the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference.
15 The Board affirms this determination.

16
17 Section 2. The Fire Code is hereby amended by revising Chapter 1, Sections 113.2,
18 113.4, 113.5, 113.6, 113.7, 113.8, 113.9, 113.10, and 113.12 to read as follows:

19 **113.2 [For SF] Operational Permit Filing Fees.**

20 The filing fee for operational permits is set forth in Table 113-A. Inspections necessary
21 for permit issuance that require more than two hours to complete shall be subject to an
22 additional fee of ~~\$120~~\$125 for each hour or fraction thereof. The Fire Department shall not
23 issue a permit until the fees are paid.

24 **113.4 [For SF] Plan Review Fees.**

1 Upon application for a permit for the erection of a new building or for alteration work for
2 which plans are required by the Department of Building Inspection, the Central Permit Bureau
3 shall charge and collect a fee to compensate the Fire Department for its costs of reviewing
4 plans submitted with building permit applications for compliance with fire safety regulations.
5 The fee shall be based on the valuation of the work as determined by the Department of
6 Building Inspection. The fee for each permit is set in Table 113-B. The Fire Department shall
7 assess a fee in the amount of ~~\$120~~\$125 per hour *or fraction thereof* to review revisions to any
8 previously approved plans. The Central Permit Bureau shall collect the fees before issuing
9 the permit.

10 **113.5 [For SF] Field Inspection Fees.**

11 When the Fire Department determines a field inspection is required to verify that
12 building construction is in compliance with fire safety regulations and this code, it shall notate
13 the application accordingly to provide notice to the Central Permit Bureau. The Central Permit
14 Bureau shall collect the inspection fee due, before issuing a building permit. The fee for each
15 permit is set in Table 113-C. Initial field inspection fees will be charged for inspections of new
16 fire alarm, sprinkler, and gaseous suppression systems per the notation in Table 113-C.

17 After building permit issuance, when the fire code official notifies the applicant that
18 additional inspection time is required over the amount of time set in Table 113-C, the applicant
19 shall purchase additional inspection time before the inspector schedules additional
20 inspections. The Fire Department shall collect a fee of ~~\$120~~\$125 per hour *or fraction thereof* for
21 the cost of providing the inspection service.

22 **113.6 [For SF] Pre-Application Plan Review.**

23 When an applicant wishes to discuss specific design issues or submit preliminary
24 designs for review and comment by the Fire Department before the applicant submits a formal
25 application for permit, the Fire Department shall assess a fee of ~~\$360~~\$375. This fee provides

1 the applicant with up to two hours total for research and meeting with Fire Department
2 personnel. When the time spent by the Fire Department exceeds ~~three~~ two hours, the
3 Department shall assess additional fees at the rate of ~~\$120~~\$125 per hour *or fraction thereof*.

4 **113.7 [For SF] Re-Inspection of Violation Fees.**

5 If the fire code official issues a notice of violation under this code, the notice of violation
6 may set a period of time that is reasonable to remedy the violation and the fire code official
7 may re-inspect the property to verify that the person responsible has made the required
8 correction. The Fire Department shall collect a fee in the amount of ~~\$240~~\$250 for re-
9 inspections. If the time required for the re-inspection exceeds one hour, the Fire Department
10 shall assess an additional fee at the rate of ~~\$120~~\$125 per hour *or fraction thereof*.

11 **113.8 [For SF] High-Rise Inspection Fees.** For inspections of high-rise structures
12 pursuant to Section 13217 of the California Health and Safety Code, the owner of the
13 structure shall pay a fee to cover the Fire Department's costs of inspection. The Department
14 shall calculate the fee on the basis of ~~\$12.50~~\$13 per 1000 square feet of gross floor area.

15 **113.9 [For SF] Referral Fees.**

16 If a government agency requests a preliminary site inspection or survey of ~~a~~ premises
17 for compliance with this code or other regulatory codes enforced by the Fire Department, the
18 Fire Department shall collect a service fee of ~~\$120~~\$125 per hour *or fraction thereof* for the on-
19 site inspections and consultations. When the referral inspection is requested by another San
20 Francisco agency, the requesting agency shall transfer the fee to the Fire Department through
21 electronic transfer. The requesting agency shall pay the fee before scheduling the inspection
22 or consultation. Fees referenced in the California Health and Safety Code take precedence
23 over this fee.

24 **113.10 [For SF] Overtime Fee.**

1 If a person requests an inspection or other service that requires the assigned Fire
2 Department employee to work outside of the employee's normal working schedule, the
3 Department will charge an overtime fee of ~~\$134~~\$136 per hour *or fraction thereof*. The person
4 requesting the services shall pay the fee before the inspection or other service is performed.
5 The minimum compensation is four hours.

6 **113.12 [For SF] Water Flow Request Fee.**

7 Upon a request from a person for water flow information, the Department will charge a
8 water flow fee of ~~\$120~~\$125. If the information requested requires that Fire Department
9 employees perform an on-site water flow test, the Department will charge a fee of ~~\$240~~\$250.

10
11 Section 3. The Fire Code is hereby amended by revising Chapter 1, Section 113.21,
12 Table 113-A, Table 113-B, and Table 113-C to read as follows:

13 **113.21 [For SF] Fee-Setting Procedure.**

14 No later than a date that the Controller shall prescribe, the Chief of the Department
15 shall annually report the revenues received from each type of fee the Department collects.
16 The report shall include the costs, both direct and indirect, the Department incurs in providing
17 the services for which each fee is assessed, the anticipated costs for the ensuing fiscal year,
18 the level of service the Department anticipates it will provide for each service for which it
19 charges a fee, and the rate that would be necessary to support each service. The Controller
20 shall file the report with the Board of Supervisors no later than July 1~~st~~ of each year. If the
21 fees are insufficient to recover SFFD costs, or if the fee recovers more than the actual costs,
22 the Controller shall submit legislation to the Board of Supervisors to ensure that over time the
23 City fees do not exceed the cost of providing the service for which the City charges the fee.
24 The amount of the license fee for the Fire Department permit for the ~~2016-2017~~2017-2018 fiscal
25 year shall be as set forth in the Business and Tax Regulations Code Section 75 ~~et seq.~~

1 **TABLE 113-A. - OPERATIONAL PERMIT FEES.**

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TYPE OF PERMIT	FEE
Aerosol Products, Regulated Activities	\$345 \$360
Amusement Buildings, Operations	\$345 \$360
Aviation Facilities, Regulated Activities	\$345 \$360
Aviation Facilities, Aircraft Refueling Vehicle	\$345 \$360
Battery System, Operation	\$345 \$360
Carnivals and Fairs, Operation	\$345 \$360
Cellulose Nitrate Film, Regulated Activities	\$345 \$360
Combustible Dust-Producing Operations	\$345 \$360
Combustible Fiber, Regulated Activities	\$345 \$360
Combustible Material, Regulated Activities	\$345 \$360
Compressed Gas, Regulated Activities	\$345 \$360
Conditional #Use	\$95
Covered Mall Buildings, Operation	\$345 \$360
Cryogenic Fluids, Regulated Activities	\$345 \$360
Dry Cleaning Plant, Operation	\$345 \$360
Exhibits and Trade Shows, Operation	\$345 \$360
Explosives, Regulated Activities	\$345 \$360
Fireworks, Display	\$345 \$360
Firefighter Air Systems, Maintenance	\$345 \$360
Flammable and Combustible Finishes, Application of (Including Floor Finishes)	\$345 \$360

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1	Flammable or Combustible Liquids, Regulated Activities	\$345 <u>\$360</u>
2	Fruit and Crop Ripening	\$345 <u>\$360</u>
3	Fumigation and Thermal Insecticidal Fogging	\$345 <u>\$360</u>
4	Hazardous Materials, Regulated Activities	\$345 <u>\$360</u>
5	Hazardous Production Materials (HPM) Facilities	\$345 <u>\$360</u>
6	High-Piled Storage	\$345 <u>\$360</u>
7	Hot Work Operations, Regulated Activities	\$345 <u>\$360</u>
8	Industrial Ovens	\$345 <u>\$360</u>
9	Liquefied Petroleum Gases, Regulated Activities	\$345 <u>\$360</u>
10	Live Audience, Production Facility, Studio, Sound Stage	\$345 <u>\$360</u>
11	Lumberyards and Woodworking Plants	\$345 <u>\$360</u>
12	Magnesium Processing	\$345 <u>\$360</u>
13	Open Burning	\$345 <u>\$360</u>
14	Open Flame and Candles in Assembly Areas	\$345 <u>\$360</u>
15	Organic Coating, Manufacturing	\$345 <u>\$360</u>
16	Place of Assembly	\$345 <u>\$360</u>
17	Place of Assembly-Permanent Occupancy for Non-Profit	\$0
18	Group	
19	Pyrotechnic Special Effects Material	\$345 <u>\$360</u>
20	Pyroxylin Plastics	\$345 <u>\$360</u>
21	Refrigeration Equipment	\$345 <u>\$360</u>
22	Repair Garages and Motor Fuel Dispensing Facilities	\$345 <u>\$360</u>
23	Rooftop Heliports	\$345 <u>\$360</u>
24	Temporary Membrane Structures and Tents	\$345 <u>\$360</u>
25		

1	Tire Storage	\$345 <u>\$360</u>
2	Tire Rebuilding Plants	\$345 <u>\$360</u>
3	Waste Handling, Regulated Activities	\$345 <u>\$360</u>

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5 **TABLE 113-B. - PLAN REVIEW FEES.**

7	VALUATION	FEE
8	\$1 TO \$2,000	\$68.31 <u>\$71.16</u> for the First \$1,000 or less plus
9		\$67.27 <u>\$70.07</u> for each additional \$1,000 or
10		fraction thereof, to and including \$2,000
11	\$2,001 TO \$50,000	\$135.58 <u>\$141.23</u> for the First \$2,000 or less plus
12		\$12.99 <u>\$13.53</u> for each additional \$1,000.00
13		or fraction thereof, to and including \$50,000
14	\$50,001 TO \$200,000	\$759.19 <u>\$790.82</u> for the First \$50,000 or less plus
15		\$5.21 <u>\$5.43</u> for each additional \$1,000 or
16		fraction thereof, to and including \$200,000
17	\$200,001 TO \$500,000	\$1,541.25 <u>\$1,605.47</u> for the First \$200,000 or less
18		plus \$2.43 <u>\$2.53</u> for each additional \$1,000
19		or fraction thereof, to and including \$500,000
20	\$500,001 TO \$1,000,000	\$2,270.31 <u>\$2,364.91</u> for the First \$500,000 or less
21		plus \$1.62 <u>\$1.68</u> for each additional \$1,000 or
22		fraction thereof, to and including \$1,000,000
23	\$1,000,001 TO \$5,000,000	\$3,081.34 <u>\$3,209.73</u> for the First \$1,000,000 or
24		less plus \$1.23 <u>\$1.28</u> for each additional
25		\$1,000 or fraction thereof, to and including

	\$5,000,000
\$5,000,001	\$8,014.12 <u>\$8,348.04</u> for the First \$5,000,000 or less plus \$0.6219 <u>\$0.6478</u> for each additional \$1,000 or fraction thereof

NOTATION TO TABLE 113-B:

EVACUATION SIGNAGE: Plan review beyond thirty minutes will be assessed at an hourly rate of ~~\$120~~\$125 per hour.

TABLE 113-C. – FIELD INSPECTION FEES (See notation for additional fees).

VALUATION		FEE/INSP. TIME CREDIT
Over	Not More Than	
\$0	\$10,000	\$120 <u>\$125</u> ONE HOUR
\$10,000	\$50,000	\$240 <u>\$250</u> TWO HOURS
\$50,000	\$500,000	\$360 <u>\$375</u> THREE HOURS
\$500,000	\$5,000,000	\$600 <u>\$625</u> FIVE HOURS
\$5,000,000	\$10,000,000	\$1200 <u>\$1,250</u> TEN HOURS
\$10,000,000	\$25,000,000	\$2400 <u>\$2,500</u> TWENTY HOURS
\$25,000,000		\$3600 <u>\$3,750</u> THIRTY HOURS

NOTATION TO TABLE 113-C:

NEW FIRE ALARM SYSTEMS	\$240 <u>\$250</u> TWO HOURS
NEW SPRINKLER SYSTEMS	\$360 <u>\$375</u> THREE HOURS

1 **NEW GASEOUS SUPPRESSION SYSTEMS**

~~\$240~~\$250 TWO HOURS

2 This initial minimum inspection fee covers all inspections up to the hours specified
3 above. If the inspections for the new system exceed the hours specified above, additional
4 hourly fees will be assessed.

5
6 Section 4. The fee codified in Table 113-B. - Plan Review Fees, for the Valuation
7 category "\$500,001 to \$1,000,000," as \$2,270.31 was erroneously recorded as \$2,70.31 in
8 Ordinance No. 234-16. The Code publisher corrected this scrivener's error and clarified the
9 issue with a footnote in the Code. This ordinance now amends that fee of \$2,270.31 to
10 \$2,364.91, as reflected on page 7 above.

11
12 Section 5. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

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

10 By: 
11 NEHA GUPTA
12 Deputy City Attorney

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Mayor Lee
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Fire Code - Fire Department Fees]

Ordinance amending the Fire Code to increase the fees for certain Fire Department services, and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Sections 113.2, 113.4, 113.5, 113.6, 113.7, 113.8, 113.9, 113.10, 113.12, and Section 113.21 Tables 113-A, 113-B and 113-C of Chapter 1 of the San Francisco Fire Code specify fees for Operational Permit Filing, Fire Department inspections, violation re-inspection, pre-application, High-rise Inspection, referral, overtime, water flow, and plan review services.

Amendments to Current Law

The proposed legislation would increase the fees for certain inspections and services performed by the Department, including the following: operational permit filing (Section 113.2 and Table 113-A), plan review services (Section 113.4 and Table 113-B), field inspections (Section 113.5 and Table 113-C), pre-application plan review services (Section 113.6), re-inspections to verify corrections of violations (Section 113.7), high-rise inspection fees (Section 113.8), referral fees (Section 113.9), overtime (Section 113.10), and water flow information reviews and testing (Section 113.12).

Background Information

The current fees set in these Subsections and Tables do not cover the costs to the Fire Department of providing the services. The proposed fee increases will cover those costs.