

BOARD of SUPERVISORS



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

September 13, 2017

**File No. 170942**

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

Dear Ms. Gibson:

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

**File No. 170942**

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

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

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

Attachment

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

1 [Building Code -Third Party Expert Fees]

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

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

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

15 Section 1. Findings.

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

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

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

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

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

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

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

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

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20 Section 4. Effective Date. This ordinance shall become effective 30 days after

21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

23 of Supervisors overrides the Mayor's veto of the ordinance.

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

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

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By:



ROBB W. KAPLA  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Building Code –Third Party Expert Fees]

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

### Existing Law

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

### Amendments to Current Law

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

### Background Information

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

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