

BOARD of SUPERVISORS



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June 10, 2019

File No. 190627

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

Dear Ms. Gibson:


On June 4, 2019, Mayor Breed introduced the following proposed legislation:

**File No. 190627**

**Ordinance amending the Fire Code to increase 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

*for* By:  Linda Wong, Assistant Clerk  
Budget and Finance Committee

Attachment

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

[Fire Code - Fire Department Fee Amendment]

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

NOTE: **Unchanged Code text and uncoded 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 ~~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. Environmental Findings. 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.

Section 2. The Fire Code is hereby amended by revising Sections 113.2, 113.4, 113.5, 113.6, 113.7, 113.8, 113.9, 113.10, 113.12, and 113.21, to read as follows:

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

The filing fee for operational permits is set forth in Table 113-A. Inspections necessary for permit issuance that require more than two hours to complete shall be subject to an additional fee of ~~\$125~~\$130 for each hour or fraction thereof. The Fire Department shall

1 not issue a permit until the fees are paid.

2  
3 **113.4. [For SF] Plan Review Fees.**

4 Upon application for a permit for the erection of a new building or for alteration work  
5 for which plans are required by the Department of Building Inspection, the Central Permit  
6 Bureau shall charge and collect a fee to compensate the Fire Department for its costs of  
7 reviewing plans submitted with building permit applications for compliance with fire safety  
8 regulations. The fee shall be based on the valuation of the work as determined by the  
9 Department of Building Inspection. The fee for each permit is set in Table 113-B. The Fire  
10 Department shall assess a fee in the amount of ~~\$125~~\$130 per hour or fraction thereof to review  
11 revisions to any previously approved plans. The Central Permit Bureau shall collect the fee  
12 before issuing the permit.

13  
14 **113.5. [For SF] Field Inspection Fees.**

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

21 After building permit issuance, when the fire code official notifies the applicant that  
22 additional inspection time is required over the amount of time set in Table 113-C, the applicant  
23 shall purchase additional inspection time before the inspector schedules additional  
24 inspections. The Fire Department shall collect a fee of ~~\$125~~\$130 per hour or fraction thereof  
25 for the cost of providing the inspection service.

1  
2 **113.6. [For SF] Pre-Application Plan Review.**

3 When an applicant wishes to discuss specific design issues or submit preliminary  
4 designs for review and comment by the Fire Department before the applicant submits a formal  
5 application for permit, the Fire Department shall assess a fee of ~~\$375~~\$390. This fee provides  
6 the applicant with up to two hours total for research and meeting with Fire Department  
7 personnel. When the time spent by the Fire Department exceeds two hours, the Department  
8 shall assess additional fees at the rate of ~~\$125~~\$130 per hour or fraction thereof.  
9

10 **113.7. [For SF] Re-Inspection of Violation Fees.**

11 If the fire code official issues a notice of violation under this code, the notice of  
12 violation may set a period of time that is reasonable to remedy the violation and the fire code  
13 official may re-inspect the property to verify that the person responsible has made the  
14 required correction. The Fire Department shall collect a fee in the amount of ~~\$250~~\$260 for re-  
15 inspections. If the time required for the re-inspection exceeds one hour, the Fire Department  
16 shall assess an additional fee at the rate of ~~\$125~~\$130 per hour or fraction thereof.  
17

18 **113.8. [For SF] High-Rise Inspection Fees.**

19 For inspections of high-rise structures pursuant to Section 13217 of the California  
20 Health and Safety Code, the owner of the structure shall pay a fee to cover the Fire  
21 Department's costs of inspection. The Department shall calculate the fee on the basis of  
22 ~~\$13~~\$13.50 per 1000 square feet of gross floor area.  
23

24 **113.9. [For SF] Referral Fees.**  
25

1 If a government agency requests a preliminary site inspection or survey of premises  
2 for compliance with this code or other regulatory codes enforced by the Fire Department, the  
3 Fire Department shall collect a service fee of ~~\$125~~\$130 per hour or fraction thereof for the on-  
4 site inspections and consultations. When the referral inspection is requested by another San  
5 Francisco agency, the requesting agency shall transfer the fee to the Fire Department through  
6 electronic transfer. The requesting agency shall pay the fee before scheduling the inspection  
7 or consultation. Fees referenced in the California Health and Safety Code take precedence  
8 over this fee.

9  
10 **113.10. [For SF] Overtime Fee.**

11 If a person requests an inspection or other service that requires the assigned Fire  
12 Department employee to work outside of the employee's normal working schedule, the  
13 Department will charge an overtime fee of ~~\$136~~\$143 per hour or fraction thereof. The person  
14 requesting the services shall pay the fee before the inspection or other service is performed.  
15 The minimum compensation is four hours.

16  
17 **113.12. [For SF] Water Flow Request Fee.**

18 Upon a request from a person for water flow information, the Department will charge  
19 a water flow fee of ~~\$125~~130. If the information requested requires that Fire Department  
20 employees perform an on-site water flow test, the Department will charge a fee of \$250.

21  
22 **113.21. [For SF] Fee-setting procedure.**

23 (a) No later than a date that the Controller shall prescribe, the Chief of the Department  
24 shall annually report the revenues received from each type of fee the Department collects.  
25 The report shall include the costs, both direct and indirect, the Department incurs in providing

1 the services for which each fee is assessed, the anticipated costs for the ensuing fiscal year,  
2 the level of service the Department anticipates it will provide for each service for which it  
3 charges a fee, and the rate that would be necessary to support each service. The Controller  
4 shall file the report with the Board of Supervisors no later than July 1 of each year. If the fees  
5 are insufficient to recover SFFD costs, or if the fee recovers more than the actual costs, the  
6 Controller shall submit legislation to the Board of Supervisors to ensure that over time the City  
7 fees do not exceed the cost of providing the service for which the City charges the fee. The  
8 amount of the license fee for the Fire Department permit for the ~~2017-2018~~2019-2020 fiscal  
9 year shall be as set forth in the Business and Tax Regulations Code Section 75 et seq.

10 (b) Beginning with the set of fees for fiscal year 2019-2020, and each fiscal year thereafter, the  
11 Controller shall annually adjust the Department's fees as provided in this section to the extent  
12 necessary to ensure that over time each departmental fee does not exceed the cost of providing the  
13 service for which the City charges the fee. This process will occur as follows. The Chief of the  
14 Department shall annually report to the Controller the revenues received from each type of fee the  
15 Department collects for the immediately preceding year. The report shall include the costs, both direct  
16 and indirect, the Department incurred in providing the services for which each fee is assessed, the  
17 anticipated costs for the ensuing fiscal year, the level of service the Department anticipates it will  
18 provide for each service for which it charges a fee, and the rate that would be necessary to support  
19 each service. No later than April 15 of each year, the Chief of Department shall submit this report and  
20 SFFD's current fee schedule to the Controller. No later than July 1 of each year, the Controller shall  
21 make such adjustments to the fees as are necessary to comply with this ordinance and file a report with  
22 the Board of Supervisors reporting the new fee schedule as adjusted under this ordinance and  
23 certifying that: (1) each will produce sufficient revenue to support the costs of providing the services  
24 for which the fee is charged and (2) each fee will not produce revenue that exceeds the costs of  
25 providing the services for which each permit fee is charged. No later than September of each year,

SFFD's fee schedule showing the current fee amounts inclusive of annual adjustments shall be published in an Appendix to the Fire Code, posted on SFFD's website, and made available upon request at SFFD headquarters.

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

TYPE OF PERMIT	FEE
Aerosol Products, Regulated Activities	<del>\$360</del> \$375
Amusement Buildings, Operations	<del>\$360</del> \$375
Aviation Facilities, Regulated Activities	<del>\$360</del> \$375
Aviation Facilities, Aircraft Refueling Vehicle	<del>\$360</del> \$375
Battery System, Operation	<del>\$360</del> \$375
Carnivals and Fairs, Operation	<del>\$360</del> \$375
Cellulose Nitrate Film, Regulated Activities	<del>\$360</del> \$375
Combustible Dust-Producing Operations	<del>\$360</del> \$375
Combustible Fiber, Regulated Activities	<del>\$360</del> \$375
Combustible Material, Regulated Activities	<del>\$360</del> \$375
Compressed Gas, Regulated Activities	<del>\$360</del> \$375
Conditional use	\$95
Covered Mall Buildings, Operation	<del>\$360</del> \$375
Cryogenic Fluids, Regulated Activities	<del>\$360</del> \$375
Dry Cleaning Plant, Operation	<del>\$360</del> \$375
Exhibits and Trade Shows, Operation	<del>\$360</del> \$375
Explosives, Regulated Activities	<del>\$360</del> \$375
Fireworks, Display	<del>\$360</del> \$375
Firefighter Air Systems, Maintenance	<del>\$360</del> \$375
Flammable and Combustible Finishes, Application	

1	of (Including Floor Finishes)	<del>\$360</del> <u>\$375</u>
2	Flammable or Combustible Liquids, Regulated	
3	Activities	<del>\$360</del> <u>\$375</u>
4	Fruit and Crop Ripening	<del>\$360</del> <u>\$375</u>
5	Fumigation and Thermal Insecticidal Fogging	<del>\$360</del> <u>\$375</u>
6	Hazardous Materials, Regulated Activities	<del>\$360</del> <u>\$375</u>
7	Hazardous Production Materials (HPM) Facilities	<del>\$360</del> <u>\$375</u>
8	High-Piled Storage	<del>\$360</del> <u>\$375</u>
9	Hot Work Operations, Regulated Activities	<del>\$360</del> <u>\$375</u>
10	Industrial Ovens	<del>\$360</del> <u>\$375</u>
11	Liquefied Petroleum Gases, Regulated Activities	<del>\$360</del> <u>\$375</u>
12	Live Audience, Production Facility, Studio,	
13	Sound Stage	<del>\$360</del> <u>\$375</u>
14	Lumberyards and Woodworking Plants	<del>\$360</del> <u>\$375</u>
15	Magnesium Processing	<del>\$360</del> <u>\$375</u>
16	Open Burning	<del>\$360</del> <u>\$375</u>
17	Open Flame and Candles in Assembly Areas	<del>\$360</del> <u>\$375</u>
18	Organic Coating, Manufacturing	<del>\$360</del> <u>\$375</u>
19	Place of Assembly	<del>\$360</del> <u>\$375</u>
20	Place of Assembly-Permanent Occupancy	
21	for Non-Profit Group	\$0
22	Pyrotechnic Special Effects Material	<del>\$360</del> <u>\$375</u>
23	Pyroxylin Plastics	<del>\$360</del> <u>\$375</u>
24	Refrigeration Equipment	<del>\$360</del> <u>\$375</u>
25	Repair Garages and Motor Fuel Dispensing Facilities	<del>\$360</del> <u>\$375</u>



Rooftop Heliports	<del>\$360</del> <u>\$375</u>
Temporary Membrane Structures and Tents	<del>\$360</del> <u>\$375</u>
Tire Storage	<del>\$360</del> <u>\$375</u>
Tire Rebuilding Plants	<del>\$360</del> <u>\$375</u>
Waste Handling, Regulated Activities	<del>\$360</del> <u>\$375</u>

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

TOTAL VALUATION	
\$1 TO \$2,000	<del>\$71.16</del> <u>\$74.00</u> for the First \$1,000 or less plus <del>\$70.07</del> <u>\$72.87</u> for each additional \$1,000 or fraction thereof, to and including \$2,000
\$2,001 TO \$50,000	<del>\$141.23</del> <u>\$146.88</u> for the First \$2,000 or less plus <del>\$13.53</del> <u>\$14.07</u> for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 TO \$200,000	<del>\$790.82</del> <u>\$822.46</u> for the First \$50,000 or less plus <del>\$5.43</del> <u>\$5.64</u> for each additional \$1,000 or fraction thereof, to and including \$200,000
\$200,001 TO \$500,000	<del>\$1,605.47</del> <u>\$1,669.69</u> for the First \$200,000 or less plus <del>\$2.53</del> <u>\$2.63</u> for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 TO \$1,000,000	<del>\$2,364.91</del> <u>\$2,459.50</u> for the First \$500,000 or less plus <del>\$1.68</del> <u>\$1.75</u> for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 TO \$5,000,000	<del>\$3,209.73</del> <u>\$3,338.12</u> for the First \$1,000,000 or less plus <del>\$1.28</del> <u>\$1.33</u> for each additional

	\$1,000 or fraction thereof, to and including \$5,000.000
\$5,000,001	<del>\$8,348.04</del> <u>\$8,681.96</u> for the First \$5,000,000 or less plus <del>\$0.6478</del> <u>\$0.6737</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 ~~\$125.00~~\$130.00 per hour.

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

Over	Not More Than	
\$0	\$10,000	<del>\$125</del> <u>\$130</u> ONE HOUR
\$10,000	\$50,000	<del>\$250</del> <u>\$260</u> TWO HOURS
\$50,000	\$500,000	<del>\$375</del> <u>\$390</u> THREE HOURS
\$500,000	\$5,000,000	<del>\$625</del> <u>\$650</u> FIVE HOURS
\$5,000,000	\$10,000,000	<del>\$1,250</del> <u>\$1,300</u> TEN HOURS
\$10,000,000	\$25,000,000	<del>\$2,500</del> <u>\$2,600</u> TWENTY HOURS
\$25,000,000		<del>\$3,750</del> <u>\$3,900</u> THIRTY HOURS

**NOTATION TO TABLE 113-C:**

NEW FIRE ALARM SYSTEMS	<del>\$250</del> <u>\$260</u> TWO HOURS
NEW SPRINKLER SYSTEMS	<del>\$375</del> <u>\$390</u> THREE HOURS
NEW GASEOUS SUPPRESSION SYSTEMS	<del>\$250</del> <u>\$260</u> TWO HOURS

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

5 Section 3. Effective and Operative Dates. This ordinance shall become effective 30  
6 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
7 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
8 or the Board of Supervisors overrides the Mayor's veto of the ordinance. This ordinance shall  
9 become operative on the latter of its effective date or July 1, 2019.  
10

11 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
15 additions, and Board amendment deletions in accordance with the "Note" that appears under  
16 the official title of the ordinance.  
17  
18  
19

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

21 By:   
22 NEHA GUPTA  
23 Deputy City Attorney  
24  
25

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## LEGISLATIVE DIGEST

[Fire Code - Fire Department Fee Amendment]

**Ordinance amending the Fire Code to increase 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 Tables 113-A, 113-B and 113-C of Appendix 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). In addition, beginning with the fees for the 2019-2020 fiscal year, the legislation would allow the Controller's office to adjust these fees on an annual basis as necessary to ensure that over time, each fee produces sufficient revenue to support the cost of providing the services for which the fee is charged, and each fee will not produce revenue that exceeds the cost of providing such services.

### 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 increase will cover those costs.

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