

***BIC Meeting of
March 19, 2014***

Agenda Item #7

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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MEMORANDUM

TO: Tom Hui, Acting Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Linda Wong, Clerk, Budget & Finance Committee
Board of Supervisors

DATE: February 20, 2014

SUBJECT: LEGISLATION INTRODUCED: BUILDING CODE AMENDMENT

The Board of Supervisors' Budget and Finance Committee has received the following legislation, introduced by Supervisor Tang on February 11, 2014:

File No. 140122

Ordinance recognizing Small Business Month in May 2014; amending the Planning Code and the Building Code to retroactively waive fees for the month of May for certain façade improvements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed Ordinance is being transmitted pursuant to Charter Section D3.750-5 for public hearing and recommendation. It is pending before the Budget and Finance 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.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

1 [Planning, Building Codes - Fee Waiver Program - Small Business Month, May 2014]

2
3 **Ordinance recognizing Small Business Month in May 2014; amending the Planning**
4 **Code and the Building Code to retroactively waive fees for the month of May for certain**
5 **façade improvements; affirming the Planning Department's determination under the**
6 **California Environmental Quality Act; and making findings, including environmental**
7 **findings and findings of consistency with the General Plan, and the eight priority**
8 **policies of Planning Code, Section 101.1.**

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

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

17 Section 1. Findings and Purpose.

18 (a) May is Small Business Month, and the Board of Supervisors desires to recognize
19 the importance of small businesses in San Francisco. As part of this recognition, the Board
20 elects to waive various local permit fees for the month of May 2014 for the replacement of
21 awnings and signs on awnings and installation of pedestrian level lighting as these fees have
22 acted as a bar for many small businesses to improve their building facades and store fronts.

23 (b) On _____, 2014, the Planning Commission adopted Resolution No.
24 _____ recommending adoption of this ordinance, and adopted findings that the
25 Ordinance is consistent, on balance, with the City's General Plan, and eight priority policies of
Planning Code, Section 101.1(b). The Board of Supervisors adopts these findings as it own.

1 A copy of this Commission Resolution is on file with the Clerk of the Board in File No.
2 _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code, Section 302, the Board of Supervisors finds that this
4 ordinance will promote the public necessity, convenience, safety and welfare for the reasons
5 set forth in Planning Commission Resolution No. _____, which is incorporated
6 herein by reference.

7 (d) The Planning Department has determined that the actions contemplated in this
8 ordinance comply with the California Environmental Quality Act (CEQA, California Public
9 Resources Code, Section 21000 et seq.). The Board of Supervisors affirms the Department's
10 CEQA determination. Said determination is on file with the Clerk of the Board of Supervisors
11 in File No. _____ and is incorporated herein by reference.

12 (e) On _____, 2014, the Building Inspection Commission conducted a public
13 hearing on this ordinance and recommended approval of this ordinance. On _____,
14 2014, the Building Inspection Commission Secretary submitted a letter to the Board of
15 Supervisors describing the Commission's action. Said letter is on file with the Clerk of the
16 Board of Supervisors in File No. _____ and is incorporated herein by reference.

17
18 Section 2. Fee Waivers.

19 (a) Notwithstanding any provision of the Planning Code, including the fee schedule
20 associated with Sections 355(a) and 355(e), the permit fee for awning replacement and for
21 signs on awnings, respectively, is hereby waived for any permit issued for such activities
22 during the month of May 2014.

23 (b) Notwithstanding any provision of the Building Code, including the fee schedules of
24 Tables 1A-A and 1A-E, the permit fees related to reviewing the structural integrity of awning
25 replacements for those permits submitted "over the counter" at the Central Permit Bureau and

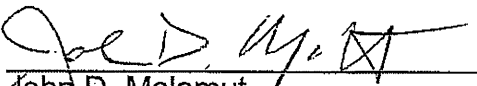
1 installation of pedestrian level lighting, respectively, are hereby waived for any permit issued
2 for such activities during the month of May 2014.

3 (c) The fee waivers set forth in Section 2 shall apply only to small business
4 enterprises. For purposes of this Section 2 a small business enterprise shall be one that has
5 100 or fewer employees. The Board of Supervisors hereby delegates to the Department of
6 Building Inspection and the Planning Department the establishment of a process by which the
7 respective departments will certify that an applicant is a small business enterprise.
8

9 Section 3. Effective and Operative Dates. This ordinance shall become effective 30
10 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
11 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
12 or the Board of Supervisors overrides the Mayor's veto of the ordinance. However, in order to
13 effectuate the intent of this ordinance, the operative provisions of this ordinance shall be
14 retroactive to May 1, 2014 should the effective date of the ordinance occur after May 1, 2014.
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16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 John D. Malamut
20 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning, Building Codes - Fee Waiver Program - Small Business Month, May 2014]

Ordinance recognizing Small Business Month in May 2014; amending the Planning Code and the San Francisco Building Code to retroactively waive fees for the month of May for certain façade improvements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code establishes permit fees for certain applications, including awning replacement and for signs. The Building Code establishes permit fees to review the structural integrity of awning replacements among other types of permit review.

Amendments to Current Law

In recognition of Small Business Month in May 2014, this legislation would waive Planning Code fees for awning replacement and for signs on awnings for small businesses during the month of May 2014. The Ordinance also would waive Building Code fees related to review of the structural integrity of awning replacements for small businesses during this time. The legislation would define small businesses to be those with 100 or fewer employees and delegate to the Directors of City Planning and Building Inspection the ability to establish a process to certify that a business meets this definition. The Ordinance would affirm the Planning Department's California Environmental Quality Act determination and make findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1.