

File No. 180754

Committee Item No. 1

Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date September 6, 2018

Board of Supervisors Meeting

Date 9/18/18

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Notice of Hearing</u> |
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Completed by: Victor Young Date August 31, 2018
Completed by: _____ Date _____

1 [Administrative Code - Civic Design Review Fee]

2
3 **Ordinance amending the Administrative Code to modify the Civic Design Review fee**
4 **from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per**
5 **project, establish a process for an annual cost-of-living fee adjustment, set a timeline**
6 **for fee payment, describe the method for determining fees for projects involving**
7 **multiple structures situated together as part of a larger development plan, and describe**
8 **circumstances that may qualify for fee waiver or reduction.**

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 ~~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. The Administrative Code is hereby amended by revising Section 3.19A, to
18 read as follows:

19 **SEC. 3.19A. ARTS COMMISSION CIVIC DESIGN REVIEW FEES.**

20 Any entity, public or private, including any office, department, or agency of the City and
21 County of San Francisco requiring the Arts Commission's civic design review and approval
22 under Charter Section 5.103(1) ("Applicant") shall pay a fee to the Arts Commission consistent
23 with the provisions of this ~~§~~Section 3.19A. For purposes of this ~~§~~Section, the Arts
24 Commission's "Civic Design Review" includes approving the designs for all public structures,
25 any private structure ~~which~~ that extends over or upon any public property, and any yards,
courts, set-backs, or usable open spaces ~~which~~ that are an integral part of any such structures.

1 Civic Design Review shall also include review of conceptual designs, site plans, design
2 development, and construction drawings for any project subject to the Arts Commission's
3 Civic Design Review under Charter Section 5.103(1). The Arts Commission shall use any
4 funds collected under this ~~s~~Section solely to defray the costs incurred by the Arts Commission
5 ~~staff~~ in performing its Civic Design Review functions.

6 (a) **Civic Design Review Deposit Base Fee.** ~~Effective July 1, 2006~~As of the effective
7 date of the ordinance in Board of Supervisors File No. _____, an Applicant shall submit ~~a deposit~~
8 ~~of \$2,500 ("Deposit")~~ a fee of \$12,800 to the Arts Commission for each project requiring ~~such~~
9 ~~Civic Design Review~~ under ~~San Francisco~~ Charter Section 5.103(1).

10 (b) Annual Adjustment of Fee. Beginning with fiscal year 2019-2020, the fee set forth in
11 subsection (a) may be adjusted each year by the Controller, without further action by the Board of
12 Supervisors, as set forth in the following process.

13 (1) No later than April 1 of each year, the Director of Cultural Affairs shall report
14 to the Controller:

15 (A) the revenues generated by the fee for the prior fiscal year;

16 (B) the costs incurred by the Arts Commission in performance of its Civic Design
17 Review functions for the prior fiscal year; and

18 (C) any other information that the Controller or the Director of Cultural Affairs
19 determines appropriate to the performance of the functions set forth in this Section 3.19A.

20 (2) No later than May 15 of each year, the Controller shall determine whether the
21 current fee has produced or is projected to produce sufficient revenue to support the costs of providing
22 the services for which the fee is assessed and that the fee does not or will not produce revenue that
23 exceeds the costs of providing the services for which the fee is assessed.

24 (3) No later than May 15 of each year, the Controller shall, if necessary, adjust the
25 fee upward or downward for the upcoming fiscal year as appropriate to ensure that the Arts

1 Commission recovers the costs incurred in performing its Civic Design Review functions without
2 producing revenue that exceeds such costs. The adjusted fee shall become operative on July 1 of that
3 same year.

4 (bc) Deposit and Fee Deadlines Time for Payment. The Deposit fee shall be payable at
5 the time ~~an Applicant submits a~~ of filing an application or request for Civic Design Review of a
6 project. The balance must be paid in full 10 days in advance of the first scheduled public hearing
7 before the Civic Design Review Committee to consider the project. The Arts Commission is not
8 required to schedule review of any project ~~whose~~ for which an Applicant has failed to pay the
9 fee required by this ~~s~~Section 3.19A.

10 (e) ~~Time and Materials Fees. The Applicant shall pay the Arts Commission for any time~~
11 ~~and materials cost, including copying costs, incurred in excess of the Deposit paid under this section.~~
12 ~~The Arts Commission is not required to give its final approval for any project until the Applicant has~~
13 ~~paid the balance of fees due to the Arts Commission under this section. Within 20 days prior to the Arts~~
14 ~~Commission's meeting to consider the final approval of the Applicant's project, the Arts Commission~~
15 ~~shall provide the Applicant with a written report summarizing the Arts Commission's actual time and~~
16 ~~materials costs associated with the Applicant's project.~~

17 (d) Project Review. Applications or requests for Civic Design Review for multiple
18 structures situated together as part of a larger development plan (a "Campus") will be considered
19 distinct projects under this Section 3.19A. The Applicant shall pay the then current fee to the Arts
20 Commission for each structure within a Campus requiring the Arts Commission's civic design review
21 and approval under Charter Section 5.103(1).

22 (de) Refunds. When an application is withdrawn by the Applicant prior to a public
23 hearing or deemed canceled by the Arts Commission due to inactivity on the part of the
24 Applicant, then the Applicant shall be entitled to a refund of the fee paid to the Arts
25 Commission less the cost of time and materials incurred minus a \$200 processing fee. Refund

1 *requests must be submitted within six months of the project closure date. In addition, where the actual*
2 *time and materials cost in connection with a project that the Arts Commission has acted on is less than*
3 *the Deposit paid under this section, the Arts Commission shall refund the difference between the*
4 *Deposit and the actual time and materials cost.*

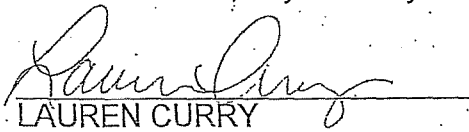
5 (ef) **Waiver.** The Director of Cultural Affairs may waive or reduce the fees required
6 under this ~~s~~Section 3.19A where the Applicant demonstrates in a written application that
7 payment of such fees would present an undue financial hardship on the Applicant and would
8 jeopardize the completion of the project. The Director of Cultural Affairs may also waive or reduce
9 fees for projects of limited scope or Campus projects that include structures of identical form and
10 character.

11 Section 2. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

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

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

23
24 By:


LAUREN CURRY
Deputy City Attorney

25 n:\leganas2018\1800594\01270907.docx

LEGISLATIVE DIGEST

[Administrative Code - Civic Design Review Fee]

Ordinance amending the Administrative Code to modify the Civic Design Review fee from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per project, establish a process for an annual cost-of-living fee adjustment, set a timeline for fee payment, describe the method for determining fees for projects involving multiple structures situated together as part of a larger development plan, and describe circumstances that may qualify for fee waiver or reduction.

Existing Law

Administrative Code Section 3.19A establishes a fee for any entity, public or private, including any office, department, or agency of the City and County of San Francisco requiring the Arts Commission's civic design review and approval under Charter Section 5.103(1) ("Applicant"). The fee is a \$2,500 deposit at the time the Applicant submits a request for civic design review of a project in addition to the Arts Commission's time and materials costs incurred in excess of the deposit. The time and materials fees are due no later than 20 days prior to the Arts Commission's meeting to consider the final approval of the Applicant's project.

There is no distinction between requests for review of a single structure from requests for review of multiple structures situated together as part of a larger development. And there is no provision allowing a fee waiver or reduction for projects of limited scope.

Amendments to Current Law

The ordinance would replace the \$2,500 deposit and time and materials fees with a flat fee of \$12,800 for each project requiring civic design review under Charter Section 5.103(1). An Applicant would pay the fee upon submitting a request for civic design review of a project. The ordinance would also provide for an annual adjustment of the fee by the Controller.

Requests for review of multiple structures situated together as part of a larger development plan (a "Campus") would be considered distinct projects and the Applicant would pay the then current fee for each structure. The ordinance would also allow the Director of Cultural Affairs to waive or reduce the fees for projects of limited scope or Campus projects that include structures of identical form and character.

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. 544-5227

NOTICE OF PUBLIC HEARING

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Rules Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Thursday, September 6, 2018

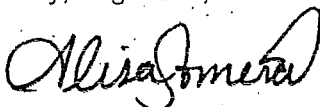
Time: 10:00 a.m.

Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 180754. Ordinance amending the Administrative Code to modify the Civic Design Review fee from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per project, establish a process for an annual cost-of-living fee adjustment, set a timeline for fee payment, describe the method for determining fees for projects involving multiple structures situated together as part of a larger development plan, and describe circumstances that may qualify for fee waiver or reduction.

If the legislation passes, a new fee of \$12,800 shall be established for the Arts Commission's civic design review and approval, which includes approving the designs for all public structures, any private structure that extends over or upon any public property, and any yards, courts, set-backs, or usable open space that are an integral party of any such structures. On May 15th of each year, the Controller shall adjust the fee upward or downward for the next fiscal year, based upon the Director of Cultural Affairs' report. This fee shall be payable at the time of filing an application or request for civic design review of a project and must be paid in full ten days in advance of the first scheduled public hearing before the Civic Design Review Committee. The Director of Cultural Affairs may waive or reduce the fee under certain circumstances.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, August 31, 2018.


for Angela Calvillo, Clerk of the Board

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CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description For AS - Rules 09.06.18 - 180754 Fee Ad

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

08/26/2018 , 09/02/2018

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

EXM# 3166762

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO RULES COMMITTEE THURSDAY, SEPTEMBER 6, 2018 - 10:00 AM CITY HALL, COMMITTEE ROOM 263, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Rules Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 180754. Ordinance amending the Administrative Code to modify the Civic Design Review fee from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per project, establish a process for an annual cost-of-living fee adjustment, set a timeline for fee payment, describe the method for determining fees for projects involving multiple structures situated together as part of a larger development plan, and describe circumstances that may qualify for fee waiver or reduction. If the legislation passes, a new fee of \$12,800 shall be established for the Arts Commission's civic design review and approval, which includes approving the designs for all public structures, any private structure that extends over or upon any public property, and any yards, courts, setbacks, or usable open space that are an integral party of any such structures. On May 15th of each year, the Controller shall adjust the fee upward or downward for the next fiscal year, based upon the Director of Cultural Affairs' report. This fee shall be payable at the time of filing an application or request for civic design review of a project and must be paid in full ten days in advance of the first scheduled public hearing before the Civic Design Review Committee. The Director of Cultural Affairs may waive or reduce the fee under certain circumstances. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be

brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, August 31, 2018. - Angela Calvillo, Clerk of the Board.



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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

MEMORANDUM

TO: Tom DeCaigny, Director of Cultural Affairs, Arts Commission
Susan Pontious, Director of Public Art Program, Arts Commission
Ben Rosenfield, City Controller, Office of the Controller

FROM: *al*
bs Alisa Somera, Legislative Deputy Director
Rules Committee

DATE: July 30, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Peskin on July 17, 2018:

File No. 180754

Ordinance amending the Administrative Code to modify the Civic Design Review fee from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per project, establish a process for an annual cost-of-living fee adjustment, set a timeline for fee payment, describe the method for determining fees for projects involving multiple structures situated together as part of a larger development plan, and describe circumstances that may qualify for fee waiver or reduction.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Rebekah Krell, Arts Commission
Sharon Page Ritchie, Arts Commission
Todd Rydstrom, Office of the Controller

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2018 JUL 17 10:50 AM
BY U Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Peskin; Brown

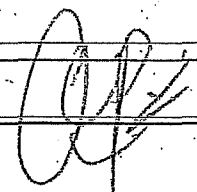
Subject:

[Administrative Code - Civic Design Review Fee]

The text is listed:

Ordinance amending the Administrative Code to modify the Civic Design Review fee from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per project, establish a process for an annual cost-of-living fee adjustment, set a timeline for fee payment, describe the method for determining fees for projects involving multiple structures situated together as part of a larger development plan, and describe circumstances that may qualify for fee waiver or reduction.

Signature of Sponsoring Supervisor:



For Clerk's Use Only