

1 [Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals.]

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3 **Ordinance amending the Administrative Code by adding a new Article 10G, imposing a**
4 **surcharge on permits issued by the Department of Building Inspection, the Taxi**
5 **Commission, the Police Department and the Department of Public Works, and**
6 **imposing a surcharge on fees imposed by the Planning Department for review of**
7 **permits where such permits are subject to appeal before the Board of Appeals.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. The San Francisco Administrative Code is hereby amended by adding
13 Chapter 10G, to read as follows:

14 **CHAPTER 10G**

15 **BOARD OF APPEALS SURCHARGE FOR PERMITS AND FEES**

16 **Sec. 10G.1** *In order to recover the cost to the City and County for the Board of Appeals*
17 *permit review functions, at the time a fee for permit application, issuance, or review is collected, a*
18 *surcharge in the amount specified shall be charged and collected for the following categories of*
19 *permits and fees:*

20 (a) *For fees imposed by the Department of City Planning pursuant to San Francisco*
21 *Planning Code Sections 353(a), 353(b), 353(d)(3), 353(d)(4), 353((d)(5) or 355 for review of permits*
22 *that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$7.25;*

23 (b) *For permits issued pursuant to San Francisco Building Code Section 110: Tables 1-A,*
24 *1-G, Item 3, 1-H, or 1-O, Item 5 that may be appealed to the Board of Appeals pursuant to Charter*
25 *Section 4.106, a surcharge of \$7.25;*

1 (c) For permits issued pursuant to the San Francisco Public Works Code that may be
2 appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of 65 cents (\$0.65);

3 (d) For permits issued pursuant to San Francisco Police Code Section 2.26 that may be
4 appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$12.55;

5 (e) For permits issued pursuant to San Francisco Police Code Section 2.26.1 that may be
6 appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$8.10.

7 **SEC. 10-G.2. ANNUAL ADJUSTMENT OF SURCHARGE RATE.**

8 (a) Beginning with fiscal year 2004-2005, the Controller shall each year adjust the
9 surcharges set in this Chapter without further action by the Board of Supervisors, to reflect changes in
10 the relevant Consumer Price Index.

11 (b) Not later than January 31 of each year, the Board of Appeals shall submit to the
12 Controller data showing the allocation by department of origin for permits heard by the Board of
13 Appeals during the previous fiscal year.

14 (c) No later than April 15th of each year, each department authorized to collect the
15 surcharge pursuant to this Chapter shall submit its current surcharge schedule and, if applicable, the
16 number of appealable permits filed during the prior fiscal year to the Controller, who shall apply the
17 price index adjustment to produce a new fee schedule for the following year. In no event may the price
18 index adjustment authorized by this Section cause the surcharge authorized by this Chapter to exceed
19 the department's allocable share of Board of Appeals costs.

20 (d) No later than May 15th of each year, the Controller shall adjust the surcharge to ensure
21 that: (1) each surcharge produces sufficient revenue to support each fee category's allocable share of
22 Board of Appeals costs, and (2) each surcharge does not produce revenue which is projected to
23 materially exceed each fee category's allocable share of Board of Appeals costs. If the Controller
24 determines that the surcharge and applicable price index adjustment will either (1) not adequately
25 cover, or (2) exceed the projected cost of Board of Appeals review subject to the surcharge, the affected

1 department shall file legislation that would adjust the surcharge for the affected department(s) to the
2 appropriate level.

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

6 By: _____
7 DAVID A. GREENBURG
8 Deputy City Attorney

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