

BOARD of SUPERVISORS



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May 4, 2022

File No. 220494

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

Dear Ms. Gibson:

On May 2, 2022, Mayor London Breed introduced the following Ordinance assigned to the Budget and Appropriations Committee:

File No. 220494

Ordinance amending the Administrative Code to adjust existing surcharges on permit fees, license fees, permit review fees, and permit and license renewal fees for permits and licenses issued by the Planning Department, Department of Building Inspection, Department of Public Works, Department of Public Health, Police Department, and the Entertainment Commission that may be appealed to the Board of Appeals; 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

Brent Jalipa

By: Brent Jalipa, Assistant Clerk
Budget and Appropriations Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Administrative Code - Board of Appeals Surcharges on Permit Fees]

2
3 **Ordinance amending the Administrative Code to adjust existing surcharges on permit**
4 **fees, license fees, permit review fees, and permit and license renewal fees for permits**
5 **and licenses issued by the Planning Department, Department of Building Inspection,**
6 **Department of Public Works, Department of Public Health, Police Department, and the**
7 **Entertainment Commission that may be appealed to the Board of Appeals; and**
8 **affirming the Planning Department's determination under the California Environmental**
9 **Quality Act.**

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

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

18 Section 1. The Planning Department has determined that the actions contemplated in
19 this ordinance comply with the California Environmental Quality Act (California Public
20 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
21 Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board
22 affirms this determination.

23 Section 2. Chapter 10G of the Administrative Code is hereby amended by revising
24 Section 10G.1, to read as follows:

1 **SEC. 10G.1. SURCHARGE IMPOSED; CATEGORIES OF PERMITS AND FEES.**

2 In order to recover the cost to the City and County for the Board of Appeals permit
3 review functions, at the time a fee for permit application, issuance, or review is collected, and
4 at the time an annual fee for renewal of the permit or license associated with the permit is
5 collected, a surcharge in the amount specified shall be charged and collected for the following
6 categories of permits and fees.

7 (a) Surcharges on fees imposed by the Department of City Planning pursuant to
8 Planning Code Section 350 for review of actions and permits that may be appealed to the
9 Board of Appeals are identified in Section 4 of Ordinance No. 149-16, referenced in Planning
10 Code Section 350(d). Notwithstanding the dollar amount stated in Ordinance No. 149-16 for
11 these surcharges, all Board of Appeals surcharges identified in Ordinance No. 149-16 shall be
12 ~~\$3748.50~~;

13 (b) For permits issued pursuant to San Francisco Building Code Section 110A:
14 Tables 1A-A; 1A-F, Item 3; 1A-H; 1A-K, Item 8; or 1A-Q, Item 5; that may be appealed to the
15 Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~\$3748.50~~;

16 (c) For permits issued pursuant to the Public Works Code that may be appealed to
17 the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~\$96.50~~;

18 (d) For permits specified in Police Code Section 2.26 that may be appealed to the
19 Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~\$36~~ for such permits
20 issued by the Police Department, and a surcharge of ~~\$24~~ for such permits issued by the
21 Entertainment Commission;

22 (e) For annual license fees specified in Police Code Section 2.27 for permits that
23 may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of
24 ~~\$36~~ for such permits issued by the Police Department and a surcharge of ~~\$24.00~~ for such
25 permits issued by the Entertainment Commission;

1 (f) For permits issued pursuant to Health Code Section 19H.4 that may be
2 appealed to the Board of Appeals pursuant to Charter Section 4.106, and annual permit fees
3 pursuant to Health Code Section 19H.7 and Business and Tax Regulations Code Section
4 249.16, a surcharge of \$4~~5~~3.

5
6 Section 3. The Planning Department Fee Schedule, referenced in Section 4 of
7 Ordinance No. 149-16, shall be modified to reflect the Board of Appeals surcharge of \$37
8 established in Administrative Code Section 10G.1(a).

9
10 Section 4. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor's veto of the ordinance.

14
15 Section 5. 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 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/
24 BRADLEY A. RUSSI
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Board of Appeals Surcharges on Permit Fees]

Ordinance amending the Administrative Code to adjust existing surcharges on permit fees, license fees, permit review fees, and permit and license renewal fees for permits and licenses issued by the Planning Department, Department of Building Inspection, Department of Public Works, Department of Public Health, Police Department, and the Entertainment Commission that may be appealed to the Board of Appeals; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Existing law imposes a surcharge on permit, license, and permit review fees and permit and license renewal fees for permits and licenses issued or approved by various City authorities based on each department’s allocable share of Board of Appeals costs. The surcharges currently reflected in the Administrative Code have been adjusted annually to reflect changes in the consumer price index pursuant to Section 10G.2 of the Administrative Code. The current surcharges as adjusted for changes in the consumer price index since the last ordinance that updated the surcharges are as follows: Planning Department, \$22.50; Department of Building Inspection, \$22.50; Department of Public Works, \$9.00; Police Department, \$6.00; Entertainment Commission, \$4.00; Department of Public Health, \$50.50.

Amendments to Current Law

These amendments would adjust the surcharge on permit, license, permit review and renewal fees imposed in connection with permits and licenses issued, approved or renewed by the designated City departments, based on each department’s history of appeals filed with the Board of Appeals and consistent with the fiscal year 2022-2023 budget for the Board of Appeals. These amendments also update references for surcharges applicable to the Planning Department, Department of Building Inspection, Department of Public Works, Police Department, Entertainment Commission, and the Department of Public Health. The proposed ordinance will adjust the surcharges as follows: Planning Department, \$37.00; Department of Building Inspection, \$37.00; Department of Public Works, \$9.00; Police Department, \$3.00, Entertainment Commission, \$2.00; Department of Public Health, \$45.00.

Background Information

This legislation is designed to reduce the dependency of the Board of Appeals on funding from the City's General Fund by adjusting surcharges in an equitable manner to generate sufficient revenue, together with Board of Appeals filing fees, to meet the operating expenses, including employee wage rates and fringe benefits, attributable to administering the administrative appeals process at the Board of Appeals.

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