

1 [Board of Appeals Surcharges.]
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3 **Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to: (a)**
4 **adjust the surcharges on permits that may be appealed to the Board of Appeals by: (i)**
5 **reducing the surcharge on tobacco retailer's permits issued by the Department of**
6 **Public Health pursuant to San Francisco Health Code Section 1009.53 from \$56 to \$26,**
7 **(ii) reducing the surcharge on permits specified in Police Code Section 2.26 issued by**
8 **the Police Department from \$17 to \$10, (iii) reducing the surcharge on permits specified**
9 **in Police Code Section 2.26 issued by the Entertainment Commission from \$10 to \$3,**
10 **(iv) reducing the surcharge on permits specified in Police Code Section 2.26.1 issued**
11 **by the Taxi Commission from \$9 to \$3, (v) increasing the surcharge on permits issued**
12 **by the Department of Building Inspection pursuant to Building Code Section 110,**
13 **Tables 1-A, 1-F, Item 3, 1-H, 1-K, Item 8, or 1-Q, Item 5, from \$11 to \$13 and (vi)**
14 **increasing the surcharge on permits issued by the Department of City Planning**
15 **pursuant to Planning Code Sections 351(h), 352(a), (except for fees imposed for**
16 **hearings on Conditional Uses under Section 303 or Planned Unit Developments under**
17 **Section 304), 353(a), 353(b), 353(c), or 355, from \$11 to \$13; (b) adjust the surcharges**
18 **on annual renewals of permits or licenses associated with permits that may be**
19 **appealed to the Board of Appeals by: (i) reducing the surcharge on renewal of annual**
20 **licenses specified in Police Code Section 2.27 issued by the Police Department from**
21 **\$17 to \$10, (ii) reducing the surcharge on annual licenses specified in Police Code**
22 **Section 2.27 issued by the Entertainment Commission from \$10 to \$3, and (iii) reducing**
23 **the surcharge on renewal of annual licenses specified in Police Code Section 2.27.1**
24 **issued by the Taxi Commission from \$9 to \$3; (c) imposing a Board of Appeals**
25 **surcharge of \$26 on renewal of annual licenses for tobacco retailers under San**

1 **Francisco Health Code Section 1009.54 and Business and Tax Regulations Code**
2 **Section 249.16; and (d) imposing a Board of Appeals surcharge of \$109.00 for medical**
3 **cannabis dispensary permits issued by the Department of Public Health pursuant to**
4 **Health Code Section 3007, and for annual license renewals associated with such**
5 **permits pursuant to Health Code Section 3318 and Business and Tax Regulations Code**
6 **Section 249.20; and (2) making findings pursuant to the California Environmental**
7 **Quality Act, Public Resources Code Section 21080(b)(8)(A), that the surcharges**
8 **imposed by this ordinance and the adjustments to existing surcharges made by this**
9 **ordinance are not "projects" and that all such surcharges are imposed for the purpose**
10 **of meeting operating expenses of the Board of Appeals, including employee wage**
11 **rates, fringe benefits and other direct and indirect overhead charges attributable to**
12 **administrative appeals to the Board of Appeals relating to the aforementioned permits**
13 **and licenses pursuant to Charter Section 4.106 and other applicable laws.**

14 Note: Additions are *single-underline italics Times New Roman*;
15 deletions are ~~*strikethrough italics Times New Roman*~~.
16 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

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19 Section 1. The San Francisco Administrative Code is hereby amended by amending
20 Section 10G.1, to read as follows:

21
22 SEC. 10G.1. SURCHARGE IMPOSED; CATEGORIES OF PERMITS AND FEES.

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

4 (a) For fees imposed by the Department of City Planning pursuant to San Francisco
5 Planning Code Sections 351(h), 352(a), (except for fees imposed for hearings on Conditional
6 Uses under Section 303 or Planned Unit Developments under Section 304, 353(a), 353(b),
7 353(c), or 355 for review of permits that may be appealed to the Board of Appeals pursuant to
8 Charter Section 4.106, a surcharge of ~~\$11.00~~ \$13.00;

9 (b) For permits issued pursuant to San Francisco Building Code Section 110:
10 Tables 1-A, 1-F, Item 3, 1-H, 1-K, Item 8, or 1-Q, Item 5 that may be appealed to the Board of
11 Appeals pursuant to Charter Section 4.106, a surcharge of ~~\$11.00~~ \$13.00;

12 (c) For permits issued pursuant to the San Francisco Public Works Code that may
13 be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$1.00;

14 (d) For permits ~~issued pursuant to~~ specified in San Francisco Police Code Section
15 2.26 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a
16 surcharge of ~~\$17.00~~ \$10.00 for such permits issued by the Police Department, and a surcharge
17 of ~~\$10.00~~ \$3.00 for such permits issued by the Entertainment Commission;

18 (e) For permits ~~issued pursuant to~~ specified in San Francisco Police Code Section
19 2.26.1 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a
20 surcharge of ~~\$9.00~~ \$3.00;

21 (f) For ~~permits renewals issued pursuant to~~ annual license fees specified in San Francisco
22 Police Code Section 2.27 for permits that may be appealed to the Board of Appeals pursuant
23 to Charter Section 4.106, a surcharge of ~~\$17.00~~ \$10.00 for such permits issued by the Police
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1 Department and a surcharge of ~~\$10.00~~ \$3.00 for such permits issued by the Entertainment
2 Commission;

3 (g) For ~~permits renewals issued pursuant to~~ annual license fees specified in San Francisco
4 Police Code Section 2.27.1 for permits that may be appealed to the Board of Appeals pursuant
5 to Charter Section 4.106, a surcharge of ~~\$9.00~~ \$3.00;

6 (h) For permits issued pursuant to San Francisco Health Code Section 1009.53 that
7 may be appealed to the Board of Appeals pursuant to Charter Section 4.106, and annual permit
8 fees pursuant to San Francisco Health Code Section 1009.54 and Business and Tax Regulations Code
9 Section 249.16, a surcharge of ~~\$56.00~~ \$26.00.

10 (i) For permits issued pursuant to San Francisco Health Code Section 3307 that may be
11 appealed to the Board of Appeals pursuant to Charter Section 4.106 and San Francisco Health Code
12 Section 3317, and annual license fees pursuant to San Francisco Health Code Section 3318 and
13 Business and Tax Regulations Code Section 249.20, a surcharge of \$109.00.

14

15 Section 2. CEQA Findings.

16 The Board of Supervisors finds that the surcharges set forth in this ordinance relating
17 to the Board of Appeals for the following permits, the issuance, suspension or revocation of
18 which, and the issuance of administrative citations related to such permits, may be appealed
19 to the Board of Appeals, and annual licenses associated with such permits, are not "projects"
20 as defined by the California Environmental Quality Act pursuant to Public Resources Code
21 Section 21080(b)(8)(A):

22 (i) tobacco retailer's permits issued by the Department of Public Health, and annual
23 licenses associated therewith, under Health Code Sections 1009.53 and 1009.54, and
24 Business and Tax Regulations Code Section 249.16;

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1 (ii) medical cannabis dispensary permits issued by the Department of Public Health,
2 and annual licenses associated therewith, under Health Code Sections 3307 and 3318, and
3 Business and Tax Regulations Code Section 249.20;

4 (iii) permits issued by the Police Department specified in Police Code Sections 2.26,
5 and annual licenses associated therewith specified in Police Code Sections 2.27;

6 (iv) permits issued by the Entertainment Commission specified in Police Code Sections
7 2.26, and annual licenses associated therewith specified in Police Code Sections 2.27;

8 (v) permits issued by the Taxi Commission specified in Police Code Section 2.26.1,
9 and annual licenses associated therewith specified in Police Code Section 2.27.1;

10 (vi) permits issued by the Department of City Planning under Planning Code Sections
11 351(h), 352(a), (except for fees imposed for hearings on Conditional Uses under Section 303
12 or Planned Unit Developments under Section 304, 353(a), 353(b), 353(c), or 355; and,

13 (vii) permits issued by the Department of Building Inspection pursuant to San Francisco
14 Building Code Section 110: Tables 1-A, 1-F, Item 3, 1-H, 1-K, Item 8, or 1-Q, Item 5.

15 The Board finds that the surcharges authorized by Section 10G.1 of the San Francisco
16 Administrative Code, as amended by this ordinance, are for the purpose of meeting operating
17 expenses, including employee wage rates and fringe benefits, attributable to administrative
18 appeals to the Board of Appeals relating to such permits and annual licenses.

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

23
24 By: _____
25 Dorji Roberts
Deputy City Attorney