FILE NO. 051000 ORDINANCE NO. 188-05

[Board of Appeals Surcharge.]

Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to add a Board of Appeals surcharge for tobacco retailer's permits issued pursuant to San Francisco Health Code Section 1009.53, (2) amending Section 10G.1 to adjust the surcharges for permits and annual license renewals issued pursuant to San Francisco Police Code Sections 2.26, 2.27 and 2.27.1, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the new Board of Appeals Surcharge and adjustments to existing Board of Appeals surcharges are not a "project" and that such surcharges are imposed for the purpose of meeting operating expenses of the Board of Appeals, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to administrative appeals to the Board of Appeals pursuant to Charter Section 4.106.

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

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

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

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

In order to recover the cost to the City and County for the Board of Appeals permit review functions, at the time a fee for permit application, issuance, or review is

collected, a surcharge in the amount specified shall be charged and collected for the following categories of permits and fees.

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

(b) For permits issued pursuant to San Francisco Building Code Section 110: 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 Appeals pursuant to Charter Section 4.106, a surcharge of $11.00;

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

(d) For permits issued pursuant to San Francisco Police Code Section 2.26 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of $~~*8.00*~~ *$17.00 for such permits issued by the Police Department and a surcharge of $10.00 for such permits issued by the Entertainment Commission*;

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

(f) For permits renewals issued pursuant to San Francisco Police Code Section 2.27 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~*$3.00*~~ *$17.00 for such permits issued by the Police Department and a surcharge of $10.00 for such permits issued by the Entertainment Commission*;

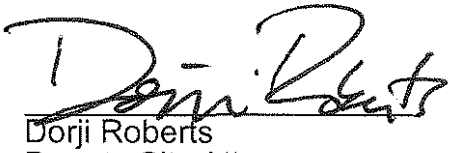
(g) For permits renewals issued pursuant to San Francisco Police Code Section 2.27.1 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~$3.00~~ $9.00~~.~~;

(h) For permits issued pursuant to San Francisco Health Code Section 1009.53 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of $56.00.

Section 2. CEQA Findings.

The Board of Supervisors finds that the revisions to the surcharges for permits appealed to the Board of Appeals are not a project as defined by the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8)(A). The Board finds that the surcharges authorized by Section 10G.1 of the San Francisco Administrative Code, as amended by this ordinance, are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, attributable to administrative appeals to the Board of Appeals.

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

By: 
Dorji Roberts
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 051000 **Date Passed:**

Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to add a Board of Appeals surcharge for tobacco retailer's permits issued pursuant to San Francisco Health Code Section 1009.53, (2) amending Section 10G.1 to adjust the surcharges for permits and annual license renewals issued pursuant to San Francisco Police Code Sections 2.26, 2.27 and 2.27.1, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the new Board of Appeals Surcharge and adjustments to existing Board of Appeals surcharges are not a "project" and that such surcharges are imposed for the purpose of meeting operating expenses of the Board of Appeals, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to administrative appeals to the Board of Appeals pursuant to Charter Section 4.106.

July 12, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 19, 2005 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 26, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

File No. 051000

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

JUL 29 2005

Date Approved

Mayor Gavin Newsom