

1 [Establishing Arts Commission Civic Design Review Fees.]

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3 **Ordinance amending the San Francisco Administrative Code by adding a new section**
4 **3.19A establishing administrative fees for Arts Commission civic design review and**
5 **making environmental findings.**

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

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

10 Section 1. Findings

11 The Planning Department has determined that the actions contemplated in this
12 Ordinance are in compliance with the California Environmental Quality Act (California Public
13 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
14 Board of Supervisors in File No. 040730 and is incorporated herein by reference.

15 Section 2. The San Francisco Administrative Code is hereby amended by adding
16 Section 3.19A to read as follows:

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

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

1 Design Review under Charter Section 5.103(1). The Arts Commission shall use any funds collected
2 under this section solely to defray the costs incurred by the Arts Commission staff in performing its
3 Civic Design Review functions.

4 (a) Civic Design Review Deposit Fee. Effective July 1, 2004, an Applicant shall
5 submit a deposit of \$1,000 ("Deposit") to the Arts Commission for each project requiring such review
6 under San Francisco Charter Section 5.103(1).

7 (b) Deposit and Fee Deadlines. The Deposit shall be payable at the time an
8 Applicant submits a request for Civic Design Review of a project. The Arts Commission is not required
9 to schedule review of any project whose Applicant has failed to pay the Deposit required by this
10 section.

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

18 (d) Refunds. When an application is withdrawn by the Applicant prior to a public
19 hearing, or deemed canceled by the Arts Commission due to inactivity on the part of the Applicant then
20 the Applicant shall be entitled to a refund of the fee paid to the Arts Commission less the cost of time
21 and materials incurred minus a \$200 processing fee. In addition, where the actual time and materials
22 cost in connection with a project that the Arts Commission has acted on is less than the Deposit paid
23 under this section, the Arts Commission shall refund the difference between the Deposit and the actual
24 time and materials cost.

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(e) Waiver. The Director of Cultural Affairs may waive the fees required under this section where the Applicant demonstrates in a written application that payment of such fees would present an undue financial hardship on the Applicant and would jeopardize the completion of the project.

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

By: 
ADINE K. VARAH
Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 040730

Date Passed:

Ordinance amending the San Francisco Administrative Code by adding a new section 3.19A establishing administrative fees for Arts Commission civic design review and making environmental findings.

July 13, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

Noes: 3 - Daly, Gonzalez, Hall

July 20, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

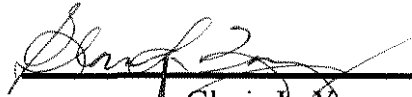
Noes: 3 - Daly, Gonzalez, Hall

File No. 040730

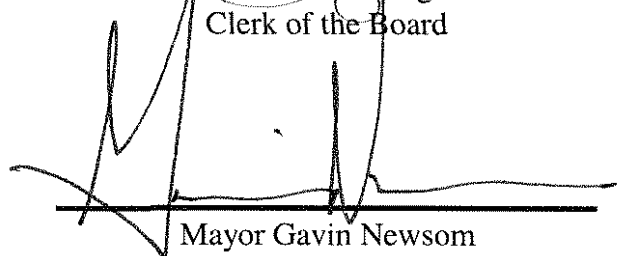
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on July 20, 2004 by
the Board of Supervisors of the City and
County of San Francisco.

JUL 22 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom