

[Development Fee Collection Procedure; Administrative Fee.]

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2  
3 Ordinance amending the San Francisco Building Code by adding Section 107A.13 to  
4 establish a procedure for the Department of Building Inspection (DBI) to collect  
5 development impact and in lieu fees, to provide that the fees are payable prior to  
6 issuance of the first building permit or, in the case where a site permit is issued, the  
7 first addendum authorizing construction of the project, with a temporary option for the  
8 project sponsor to defer payment of 85 percent of the total amount of fees due, or 80  
9 percent of the total amount of fees due if the project is subject to payment of a  
10 neighborhood infrastructure impact development fee, to prior to issuance of the first  
11 certificate of occupancy upon agreeing to pay a deferral surcharge on the amount  
12 owed ~~that would be deposited into the same fund that receives the development fees,~~  
13 to require that any in-kind public benefits required in lieu of payment of development  
14 fees are implemented prior to issuance of the first certificate of occupancy for the  
15 project, to require DBI to generate a Project Development Fee Report prior to issuance  
16 of the building or site permit for the project listing all fees due with the opportunity for  
17 an appeal of technical errors to the Board of Appeals, to establish a Development Fee  
18 Collection Unit within DBI and a fee for administering the program; providing that the  
19 ordinance's operative date is July 1 ~~May 15, 2010~~; and adopting findings, including  
20 environmental findings.

21 NOTE: Additions are *single-underline italics Times New Roman*;  
22 deletions are *strike-through italics Times New Roman*.  
23 Board amendment additions are double-underlined;  
24 Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings. The Board of Supervisors hereby finds that:

Mayor Newsom, Supervisor Duffy, Daly, Mirkarimi, Chu  
BOARD OF SUPERVISORS

1 (a) The Planning Department has determined that the actions contemplated in this  
2 ordinance comply with the California Environmental Quality Act (California Public Resources  
3 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
4 Supervisors in File No. 091251 and is incorporated herein by reference.

5 (b) In March, 2008, San Francisco published its Citywide Development Impact Fee  
6 Study Consolidated Report. The purpose of the Study was to evaluate the overall state,  
7 effectiveness, and consistency of the City's impact fee collection process and to identify  
8 improvements. Among other things, the Study cited the City's decentralized process as a  
9 problem. Centralizing the collection of development impact and in-lieu fees within the  
10 Department of Building Inspection, providing for an auditing and dispute-resolution function  
11 within DBI, generating a single record listing all the impact and in-lieu fees that the City  
12 assesses on development projects, and providing Project Development Fee Reports to project  
13 sponsors and the public listing fees owed for individual development projects will further the  
14 City's goals of streamlining the process, ensuring that fees are accurately assessed and  
15 collected in a timely manner, informing the public of the fees assessed and collected, and  
16 implementing suggestions contained in the Consolidated Report.

17 (c) The City assesses a variety of development fees on land-use development  
18 projects; the timing for collection of these fees varies. Also, typical economic cycles create  
19 volatility in the building and construction industries that has negative impacts on the  
20 availability of financing, greatly affecting the viability of a range of development projects. The  
21 current global economic crisis has exceeded both the depth and breadth of typical economic  
22 downturns. These boom-and-bust economic cycles create financial and other hardships for  
23 both project sponsors and the City's permit-issuing departments.

24 By enacting this procedure to standardize the collection and timing of payment of  
25 development impact and in-lieu fees assessed by the City and give the project sponsor the

1 option to defer payment of the fees, the City intends not only to streamline the process but  
2 also to mitigate the financial hardships caused by economic cycles in general and the current  
3 global economic crisis in particular. This will allow project sponsors to proceed to obtain  
4 entitlements for development projects that would otherwise be unable to proceed under  
5 adverse economic conditions and enable a better-managed economic recovery.

6 Section 2. The San Francisco Building Code is hereby amended by adding Section  
7 107A.13, to read as follows:

8 107A.13 Development Impact and In-Lieu Fees.

9 107A.13.1 Definitions. (a) The following definitions shall govern interpretation of this Section:

10 (1) "City" shall mean the City and County of San Francisco.

11 (2) "Department" shall mean the Department of Building Inspection.

12 (3) "Development fee" shall mean either a development impact fee or an in-lieu fee. It shall  
13 not include a fee for service or any time and material charges charged for reviewing or processing  
14 permit applications.

15 (4) "Development impact fee" shall mean a fee imposed on a development project as a  
16 condition of approval by the various departments and agencies of the City and levies against  
17 development projects by the San Francisco Unified School District under Section 17620 of the  
18 California Education Code and other provisions of State law to mitigate the impacts of increased  
19 demand for public services, facilities or housing caused by the development project that may or may  
20 not be an impact fee governed by the California Mitigation Fee Act (California Government Code  
21 Section 66000 et seq.)

22 (5) "Development impact requirement" shall mean a requirement to provide physical  
23 improvements, facilities or below market rate housing units imposed on a development project as a  
24 condition of approval to mitigate the impacts of increased demand for public services, facilities or  
25

1 housing caused by the development project that may or may not be governed by the California  
2 Mitigation Fee Act (California Government Code Section 66000 et seq.).

3 (6) "Development project" shall mean a project that is subject to a development impact or  
4 in-lieu fee or development impact requirement.

5 (7) "First certificate of occupancy" shall mean either a temporary certificate of occupancy  
6 or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code  
7 Section 109A, whichever is issued first.

8 (8) "First construction document" shall mean the first building permit issued for a  
9 development project or, in the case of a site permit, the first building permit addendum issued or other  
10 document that authorizes construction of the development project. Construction document shall not  
11 include permits or addenda for demolition, grading, shoring, pile driving, or site preparation work.

12 (9) "In-lieu fee" is a fee paid by the project sponsor in lieu of complying with a City  
13 requirement that is not a development impact fee within the meaning of the Mitigation Fee Act .

14 (10) "Neighborhood Infrastructure Seed Fund" shall mean the fund or funds  
15 established by the Controller's Office for the purpose of collecting the 20 percent pre-paid  
16 portion of the development fees intended to fund pre-development work on any neighborhood  
17 infrastructure project funded by any of the six neighborhood infrastructure impact  
18 development fees listed in Subsection 107A.13.13.1. In addition, third-party grant monies or  
19 loans may also be deposited into this fund for the purpose of funding pre-development or  
20 capital expenses to accelerate the construction start times of any neighborhood infrastructure  
21 project funded by any of the six neighborhood infrastructure impact development fees listed in  
22 Subsection 107A.13.13.1.

23 (10) (11) "Project sponsor" or "sponsor" shall mean an applicant seeking approval for  
24 construction of a development project subject to this Section, such applicant's successor and assigns,  
25 and/or any entity which controls or is under common control with such applicant.

1           (11) (12) "Unit" shall mean the Department's Development Fee Collection Unit.

2           107A.13.2 Collection by Department. The Department shall be responsible for collecting all  
3 development impact and in-lieu fees, including (a) fees levied by the San Francisco Unified School  
4 District if the District authorizes collection by the Department, and (b) fees levied by the San Francisco  
5 Public Utilities Commission, if the Commission's General Manager authorizes collection by the  
6 Department, deferral of payment of any development fee, and/or resolution of any development fee  
7 dispute or appeal in accordance with this Section 107A.13.

8           107A.13.3 Timing of development fee payments and satisfaction of development impact  
9 requirements.

10          (a) All development impact or in-lieu fees owed for a development project shall be paid by  
11 the project sponsor prior to issuance of the first construction document; provided, however, that the  
12 project sponsor may elect to defer payment of said fees under Section 107A.13.3.1.

13          (b) Any development impact requirement shall be completed prior to issuance of the first  
14 certificate of occupancy for the development project.

15          107A.13.3. Fee Deferral Program; Option to defer payment; Development Fee Deferral  
16 sSurcharge. A project sponsor may elect to defer payment of any development impact or in-lieu fee  
17 collected by the Department to a due date prior to issuance by the Department of the first certificate of  
18 occupancy; provided, however, that the project sponsor shall pay 15 percent of the total  
19 amount of the development fees owed prior to issuance of the first construction document. If a  
20 project is subject to one of the six neighborhood infrastructure impact development fees listed  
21 in Subsection 107A.13.3.1.1, the project sponsor shall pay 20 percent of the total amount of  
22 the development fees owed prior to issuance of the first construction document. These pre-  
23 paid funds shall be deposited as provided in Subsection 107A.13.3.1.1 below;

24          This option to defer payment of a development fee may be exercised by (1) submitting a  
25 deferral request to the Department on a form provided by the Department prior to issuance of the first

1 construction document, and (2) agreeing to pay a Development Fee Deferral Surcharge. The This  
2 deferral option to defer payment of a development fee shall not be available to a project sponsor  
3 who paid the fee prior to the operative date of July 1, 2010 and shall expire on three years from  
4 July 1, 2013<sup>40</sup> unless the Board of Supervisors extends it.

5 107A.13.3.1.1. Deposit of pre-paid portion of deferred development fees. If a  
6 development project is not subject to one of the six neighborhood infrastructure impact fees  
7 listed below, the pre-paid portion of the development fees shall be deposited into the  
8 appropriate fee account. If there is more than one fee account, the pre-paid portion of the fees  
9 shall be apportioned equally.

10 If a development project is subject to one of the six neighborhood infrastructure impact  
11 development fees listed below, the entire 20 percent development fee pre-payment shall be  
12 deposited in the appropriate neighborhood infrastructure impact fee account. These pre-paid  
13 funds shall be dedicated solely to replenishing the Neighborhood Infrastructure Seed Fund for  
14 that specific neighborhood infrastructure impact fee account. In no event shall a neighborhood  
15 infrastructure impact fee specific to one Area Plan be mixed with neighborhood infrastructure  
16 impact fees specific to a different Area Plan. If the 20 percent development fee pre-payment  
17 exceeds the total amount owed for the neighborhood infrastructure impact fee account, the  
18 remaining pre-paid portion of the 20 percent development fee pre-payment shall be  
19 apportioned equally among the remaining applicable development fees.

20 The neighborhood infrastructure development fees subject to the 20 percent pre-  
21 payment provision of this Subsection 107A.13.3.1.1 are as follows: (1) the Rincon Hill  
22 Community Infrastructure Impact Fee, as set forth in Planning Code Section 418.3(b)(1); (2)  
23 the Visitacion Valley Community Facilities and Infrastructure Fee, as set forth in Planning  
24 Code Section 420.3(b); (3) the Market and Octavia Community Infrastructure Fee, as set forth  
25 in Planning Code Section 421.3(b); (4) the Balboa Park Community Infrastructure Impact Fee,

1 as set forth in Planning Code Section 422.3(b); (5) the Eastern Neighborhoods Infrastructure  
2 Impact Fee, as set forth in Planning Code Section 423.3(b); and (6) the Van Ness and Market  
3 Neighborhood Infrastructure Impact Fee, as set forth in Planning Code Section 424.3(b)(ii).

4 107A.13.3.2 Payment of development fees; payment and calculation of Development  
5 Fee Deferral Surcharge. Except for any pre-paid fees, all deferred development fees  
6 remaining unpaid shall be paid in full prior to issuance of the first certificate of occupancy at  
7 the end of the deferral period. The Development Fee Deferral Surcharge shall be paid when the  
8 deferred fees are paid prior to issuance of the first certificate of occupancy, and shall accrue at the  
9 Development Fee Deferral Surcharge Rate.

10 The Development Fee Deferral Surcharge Rate shall be calculated monthly by the San  
11 Francisco Treasurer's Office as a blended interest rate comprised of 50% of the Treasurer's yield on a  
12 standard two-year investment and 50% of the Annual Infrastructure Construction Cost Inflation  
13 Estimate published by the Office of the City Administrator's Capital Planning Group and approved by  
14 the City's Capital Planning Committee consistent with its obligations under Section 409(b) of the San  
15 Francisco Planning Code. The Treasurer's yield on a standard two-year investment shall be 60% of  
16 the Two-Year U.S. FNMA Sovereign Agency Note Yield-to-Maturity and 40% of the Current Two-Year  
17 U.S. Treasury Note Yield-to-Maturity as quoted from the close of business on the last open market day  
18 of the month previous to the date when a project sponsor elects to defer the development fees owed on a  
19 development project. The annual Infrastructure Construction Cost Inflation Estimate shall be updated  
20 by the Office of the City Administrator's Capital Planning Group on an annual basis, in consultation  
21 with the Capital Planning Committee, with the goal of establishing a reasonable estimate of  
22 construction cost inflation for the next calendar year for a mix of public infrastructure and facilities in  
23 San Francisco. The Capital Planning Group may rely on past construction cost inflation data, market  
24 trends, and a variety of national, state and local commercial and institutional construction cost  
25 inflation indices in developing their annual estimates for San Francisco. The San Francisco

1 Treasurer's Office shall publish the blended rate on its website at the beginning of each month,  
2 commencing on March 1, 2010. The accrual of any deferred development fees begins on the first day  
3 that a project sponsor elects to defer development fees, but never later than immediately after issuance  
4 of the first construction document. The Development Fee Collection Unit shall calculate the final  
5 Development Fee Deferral Surcharge by multiplying the total development fees otherwise due prior to  
6 issuance of the construction document by the Development Fee Deferral Surcharge Rate by the actual  
7 day count of the entire Development Fee Deferral Period, which shall be the number of days between  
8 the project sponsor's election to defer to final payment of the deferred development fees. The  
9 Development Fee Deferral Surcharge shall be apportioned among all development fee funds according  
10 to the ratio of each development fee as a percentage of the total development fees owed on the specific  
11 project.

12 107A.13.4 Development Fee Collection Unit. There shall be a Development Fee Collection  
13 Unit established within the Department. The Unit's duties include: (1) receiving and organizing  
14 information from various City agencies concerning the amount of development fees owed or specific  
15 development impact requirements imposed under various sections of the San Francisco Municipal  
16 Code or other legal authority, (2) working with the project sponsor and relevant agencies to resolve  
17 any disputes or questions concerning the development fees or development impact requirements  
18 applied to specific development projects, (3) ensuring that the first construction document, or first  
19 certificate of occupancy if the project sponsor elects to defer payment, is not issued prior to payment of  
20 all development fees that are due and owing, (4) confirming with the Planning Department that any  
21 outstanding development impact requirements are satisfied prior to issuance of the first certificate of  
22 occupancy for projects subject to such requirements, (5) generating Project Development Fee Reports,  
23 (6) processing any development fee refunds, (7) publishing and updating the Citywide Development  
24 Fee Register, (8) initiating lien proceedings to collect any unpaid development impact or in-lieu fees,  
25



1 and (9) performing such other duties as the Building Official requires. The fee for the Department's  
2 services shall be as provided in Section 107A.13.14.

3 107A.13.5 Citywide Development Fee Register. The Unit shall publish a Citywide Development  
4 Fee Register that lists all current San Francisco development impact and in-lieu fees. The Unit shall  
5 update the Register whenever a development impact or in-lieu fee is newly enacted, rescinded or  
6 amended. The Unit shall make the Register available to the public upon request, including but not  
7 limited to posting it on the Department's website.

8 107A.13.6 Required City Agency or Department Notice to Development Fee Collection Unit.  
9 Prior to issuance of any building or site permit for a project, any department or agency responsible for  
10 calculating a development fee collected by the Unit or imposing a development impact requirement  
11 shall send written or electronic notification to the Development Fee Collection Unit that (i) identifies  
12 the development project, (ii) lists which specific development fees and/or development impact  
13 requirements are applicable and the legal authorization for their application, (iii) specifies the amount  
14 of the development fee or fees that the department or agency calculates is owed to the City or that the  
15 project sponsor has elected to satisfy a development impact requirement through the direct provision of  
16 public benefits, and (iv) lists the name and contact information for the staff person at each agency or  
17 department responsible for calculating the development fee or monitoring the development impact  
18 requirement.

19 107A.13.7 Project Development Fee Report. Prior to the issuance of the building or site permit  
20 for a development project that owes a development fee or fees or is subject to development impact  
21 requirements, and at any time thereafter, the Development Fee Collection Unit shall prepare and  
22 provide to the project sponsor, or any member of the public upon request, a Project Development Fee  
23 Report. The Report shall: (i) identify the development project (ii) list which specific development fees  
24 and/or development impact requirements are applicable and the legal authorization for their  
25 application, (iii) specify the amount of the development fee or fees that the department or agency

1 calculates is owed or that the project sponsor has elected to satisfy a development impact requirement  
2 through the direct provision of physical improvements, (iv) list the name and contact information for  
3 the staff person at each agency or department responsible for calculating the development fee or  
4 monitoring the development impact requirement, and (v) state whether the development fee or fees are  
5 due and payable prior to issuance of the first construction document or whether the project sponsor has  
6 requested deferral under Section 107A.13.3.1, and note the status of payment. A copy of the Project  
7 Development Fee Report shall always be made available to the project sponsor immediately prior to  
8 issuance of the site or building permit for a development project subject to any development fee or fees  
9 to provide adequate notice of the proposed development fee or fees. The Development Fee Collection  
10 Unit shall not issue a Final Development Fee Report and the respective site or building permit for a  
11 development project until it has received written confirmation from the First Source Hiring  
12 Administration (FHSA) that the project sponsor has executed a first source hiring agreement(s) with  
13 the FHSA consistent with Administrative Code Section 83.11.

14 107A.13.8 Failure to give notice of a development fee owed or development impact  
15 requirement. The failure of the Unit or a fee-assessing department or agency to give any notice of a  
16 development fee owed or development impact requirement shall not relieve the project sponsor of the  
17 obligation to pay the development fee when it is due. The procedure set forth in this Section is not  
18 intended to preclude enforcement of the development fee or development impact requirements pursuant  
19 to any other section of this Code, the Planning Code or other parts of the Municipal Code or under the  
20 laws of the State of California.

21 107A.13.9 Development fee dispute resolution; appeal to Board of Appeals.

22 107A.13.9.1 Procedure for resolution by Development Fee Collection Unit. If a dispute or  
23 question arises concerning the accuracy of the final Project Development Fee Report, including the  
24 mathematical calculation of any development fee listed thereon, the Development Fee Collection Unit  
25 shall attempt to resolve it in consultation with the department or agency affected by the disputed fee

1 and the project sponsor. A person protesting the accuracy of the Report must submit the issue or issues  
2 in writing to the Unit with a copy to the department or agency whose development fee is in dispute.  
3 Any public notice of the issuance of the building or site permit shall notify the public of the right to  
4 request a copy of the Project Development Fee Report and of the right of appeal to the Board of  
5 Appeals under Section 107A.13.9.2.

6 107A.13.9.2 Appeal to Board of Appeals. (a) If the Development Fee Collection Unit is unable  
7 to resolve the dispute or question , the project sponsor or a member of the public may appeal the  
8 Project Development Fee Report to the Board of Appeals within 15 days of the issuance of the building  
9 or site permit under Article 8 et seq. of the San Francisco Business & Tax Regulations Code.

10 (b) In cases where a project sponsor is not using the site permit process and is required to  
11 pay a development fee or fees prior to issuance of the development project's building permit, and  
12 chooses not to defer payment under Section 107A.13.3.1, the sponsor may pay a disputed fee under  
13 protest and file an appeal within 15 days of the issuance of the permit.

14 (c) In order to appeal to the Board of Appeals under this Section, a project sponsor  
15 appellant must first have attempted to resolve the dispute or question by following the procedure in  
16 Section 107A.13.9.1. Evidence of this prior attempt must be submitted to the Board of Appeals in order  
17 for the Board to accept the appeal. Members of the public may file an appeal under this Section without  
18 providing such evidence if they lacked adequate notice to raise the issues by following the  
19 procedures in Section 107A.13.9.1.

20 (d) Promptly after an appeal has been filed, the Board of Appeals shall notify the  
21 department or agency whose development fee or development impact requirement is at issue of the fact  
22 that an appeal has been filed and the date scheduled for hearing. A representative of the Department of  
23 Building Inspection and of the department or agency whose development fee or development impact  
24 requirement is in dispute must be present at the appeal hearing.

1           (e) In hearing any appeal of the Project Development Fee Report, the Board's jurisdiction  
2 is strictly limited to determining whether the mathematical calculation of the development fee or the  
3 scope of a development impact requirement is accurate and resolving any technical disputes over the  
4 use, occupancy, floor area, unit count and mix, or other objective criteria that calculation of the  
5 challenged development fee or development impact requirement is based upon.

6           (f) If a decision by the Board of Appeals requires a refund of all or any portion of the  
7 disputed development fee, the refund shall be processed promptly by the Development Fee Collection  
8 Unit under Section 107A.13.11. If a decision requires a new determination regarding the scope of a  
9 development impact requirement, such new determination shall be made by the relevant City agency or  
10 department prior to issuance of the first certificate of occupancy. Where the Board determines that an  
11 additional amount of the fee or fees is due and owing, the additional amount shall be paid prior to  
12 issuance of the first certificate of occupancy for the development project.

13           107A.13.10 Violation of this Section deemed a violation of the Building Code. In addition to  
14 the lien proceedings authorized by Section 107A.13.14, a violation of this Section 107A.13 shall be  
15 deemed a violation of the Building Code and subject to the provisions of Section 103A and any  
16 investigation or other fees authorized under other sections of this Code to compensate the Department  
17 for the cost of abating violations.

18           107A.13.11 Development fee refunds. Upon notification by the property owner or project  
19 sponsor and confirmation by the applicable department or agency that a fee refund is due, the Unit  
20 shall process the refund. The fee for processing the refund shall be as set forth in Table 1A-D – Other  
21 Building Permit and Plan Review Fees.

22           107A.13.12 Development fee information a public record. Any notice of development fees due  
23 or development impact requirements imposed sent to the Development Collection Unit by any fee-  
24 assessing departments and agencies, the Project Development Fee Report issued by the Unit, and any  
25

1 development fee refunds or development impact requirement revisions made are a matter of public  
2 record.

3 107A.13.13 Administrative fee. The fee for services provided by the Department under this  
4 Section 107A.13 shall be the Standard Hourly Rate for Administration set forth in Table 1A-D of this  
5 Code . The administrative fee is payable within 30 days' of the Department's notice that payment is  
6 due.

7 107A.13.14 Administrative procedures. The Building Official is empowered to adopt such  
8 administrative procedures as he or she deems necessary to implement this Section. Such administrative  
9 procedures shall be generally consistent with the procedural requirements set forth in this Section  
10 107A.

11 107A.13.15 Wrongful Issuance of First Construction Document or Certificate of Occupancy;  
12 assessment lien; notice. In addition to any other remedy established in this Code or under other  
13 authority under the laws of the State of California, if DBI inadvertently or mistakenly issues the first  
14 construction document or first certificate of occupancy, whichever applies, for a development project  
15 that has not paid a development fee that is due and owing and payment has not been received within 30  
16 days following notice that payment is due, or, in the case where a sponsor has elected to satisfy a  
17 development impact requirement through direct provision of physical improvements and where non-  
18 compliance with any such requirement is not corrected within 30 days following notice, the Department  
19 shall initiate proceedings in accordance with Article XX of Chapter 10 of the San Francisco  
20 Administrative Code to make the entire unpaid balance of the fee that is due, including interest at the  
21 rate of one and one-half percent per month or fraction thereof on the amount of unpaid fee, a lien  
22 against all parcels used for the development project. The penalty fee provisions of this section shall  
23 also apply to projects that have elected to provide physical improvements in lieu of paying a  
24 development fee, as if they had elected to pay the relevant development fee.  
25

1           The Department shall send all notices required by Article XX to the owner or owners of the  
2 property and to the project sponsor if different from the owner. The Department shall also prepare a  
3 preliminary report, and notify the owner and sponsor of a hearing by the Board of Supervisors to  
4 confirm such report at least ten days before the date of the hearing. The report shall contain the owner  
5 and sponsor's names, a description of the development project, a description of the parcels of real  
6 property to be encumbered as set forth in the Assessor's Map Books for the current year, a description  
7 of the alleged violation of this Section, and shall fix a time, date, and place for hearing. The  
8 Department shall mail this report to the sponsor and each owner of record of the parcels of real  
9 property subject to the lien.

10           Any notice required to be given to an owner or sponsor shall be sufficiently given or served  
11 upon the owner or sponsor for all purposes in this Section if personally served upon the owner or  
12 sponsor or if deposited, postage prepaid, in post office letterbox addressed to the owner or sponsor at  
13 the official address of the owner or sponsor maintained by the Tax Collector for the mailing of tax bills  
14 or, if no such address is available, to the sponsor at the address of the development project, and to the  
15 applicant for the site or building permit at the address on the permit application.

16           Except for the release of the lien recording fee authorized by Administrative Code Section  
17 10.237, all sums collected by the Tax Collector under this Section shall be held in trust by the  
18 Treasurer and deposited in the City's appropriate fee account.

19           Section 3. Operative Date. The operative date of this ordinance shall be July 1 May  
20 15, 2010.

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

24 By:

  
25 JUDITH A. BOYAJIAN  
Deputy City Attorney

Mayor Newsom  
BOARD OF SUPERVISORS



# City and County of San Francisco

## Tails Ordinance

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

**File Number:** 091251

**Date Passed:** May 18, 2010

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or, in the case where a site permit is issued, the first addendum authorizing construction of the project, with a temporary option for the project sponsor to defer payment of 85 percent of the total amount of fees due, or 80 percent of the total amount of fees due if the project is subject to payment of a neighborhood infrastructure impact development fee, to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; providing that the ordinance's operative date is July 1, 2010; and adopting findings, including environmental findings.

May 11, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

May 18, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 091251

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
5/18/2010 by the Board of Supervisors of the  
City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor Gavin Newsom

5/25/2010

\_\_\_\_\_  
Date Approved