

1 [Establishing Arts Commission Civic Design Review Fees.]

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

5
6 Note: This entire section is new.

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

8
9 **Section 1. Findings**

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

14
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
19 County of San Francisco requiring the Arts Commission’s civic design review and approval
20 under Charter Section 5.103(1) (“Applicant”) shall pay a fee to the Arts Commission consistent
21 with the provisions of this section. For purposes of this section, the Arts Commission’s “Civic
22 Design Review” includes approving the designs for all public structures, any private structure
23 which extends over or upon any public property and any yards, courts, set-backs or usable
24 open spaces which are an integral part of any such structures. Civic Design Review shall also
25

1 include review of conceptual designs, site plans, design development and construction
2 drawings for any project subject to the Arts Commission's Civic Design Review under Charter
3 Section 5.103(1). The Arts Commission shall use any funds collected under this section
4 solely to defray the costs incurred by the Arts Commission staff in performing its Civic Design
5 Review functions.

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

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

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

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

1 Commission has acted on is less than the Deposit paid under this section, the Arts
2 Commission shall refund the difference between the Deposit and the actual time and
3 materials cost.

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

8

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

11 By: _____
12 Adine K. Varah
13 Deputy City Attorney

14

15

16

17

18

19

20

21

22

23

24

25