

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

May 4, 2022

**File No. 220494**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On May 2, 2022, Mayor London Breed introduced the following Ordinance assigned to the Budget and Appropriations Committee:

**File No. 220494**

**Ordinance amending the Administrative Code to adjust existing surcharges on permit fees, license fees, permit review fees, and permit and license renewal fees for permits and licenses issued by the Planning Department, Department of Building Inspection, Department of Public Works, Department of Public Health, Police Department, and the Entertainment Commission that may be appealed to the Board of Appeals; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*Brent Jalipa*

By: Brent Jalipa, Assistant Clerk  
Budget and Appropriations Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

[Administrative Code - Board of Appeals Surcharges on Permit Fees]

**Ordinance amending the Administrative Code to adjust existing surcharges on permit fees, license fees, permit review fees, and permit and license renewal fees for permits and licenses issued by the Planning Department, Department of Building Inspection, Department of Public Works, Department of Public Health, Police Department, and the Entertainment Commission that may be appealed to the Board of Appeals; and affirming the Planning Department's determination under the California Environmental Quality Act.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

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

Section 2. Chapter 10G of the Administrative Code is hereby amended by revising Section 10G.1, to read as follows:

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

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

7           (a)     Surcharges on fees imposed by the Department of City Planning pursuant to  
8 Planning Code Section 350 for review of actions and permits that may be appealed to the  
9 Board of Appeals are identified in Section 4 of Ordinance No. 149-16, referenced in Planning  
10 Code Section 350(d). Notwithstanding the dollar amount stated in Ordinance No. 149-16 for  
11 these surcharges, all Board of Appeals surcharges identified in Ordinance No. 149-16 shall be  
12 ~~\$3748.50~~;

13           (b)     For permits issued pursuant to San Francisco Building Code Section 110A:  
14 Tables 1A-A; 1A-F, Item 3; 1A-H; 1A-K, Item 8; or 1A-Q, Item 5; that may be appealed to the  
15 Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~\$3748.50~~;

16           (c)     For permits issued pursuant to the Public Works Code that may be appealed to  
17 the Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~\$96.50~~;

18           (d)     For permits specified in Police Code Section 2.26 that may be appealed to the  
19 Board of Appeals pursuant to Charter Section 4.106, a surcharge of ~~\$36~~ for such permits  
20 issued by the Police Department, and a surcharge of ~~\$24~~ for such permits issued by the  
21 Entertainment Commission;

22           (e)     For annual license fees specified in Police Code Section 2.27 for permits that  
23 may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of  
24 ~~\$36~~ for such permits issued by the Police Department and a surcharge of ~~\$24.00~~ for such  
25 permits issued by the Entertainment Commission;

(f) For permits issued pursuant to Health Code Section 19H.4 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, and annual permit fees pursuant to Health Code Section 19H.7 and Business and Tax Regulations Code Section 249.16, a surcharge of \$4~~5~~<sup>3</sup>.

Section 3. The Planning Department Fee Schedule, referenced in Section 4 of Ordinance No. 149-16, shall be modified to reflect the Board of Appeals surcharge of \$37 established in Administrative Code Section 10G.1(a).

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/  
BRADLEY A. RUSSI  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Administrative Code - Board of Appeals Surcharges on Permit Fees]

**Ordinance amending the Administrative Code to adjust existing surcharges on permit fees, license fees, permit review fees, and permit and license renewal fees for permits and licenses issued by the Planning Department, Department of Building Inspection, Department of Public Works, Department of Public Health, Police Department, and the Entertainment Commission that may be appealed to the Board of Appeals; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### **Existing Law**

Existing law imposes a surcharge on permit, license, and permit review fees and permit and license renewal fees for permits and licenses issued or approved by various City authorities based on each department's allocable share of Board of Appeals costs. The surcharges currently reflected in the Administrative Code have been adjusted annually to reflect changes in the consumer price index pursuant to Section 10G.2 of the Administrative Code. The current surcharges as adjusted for changes in the consumer price index since the last ordinance that updated the surcharges are as follows: Planning Department, \$22.50; Department of Building Inspection, \$22.50; Department of Public Works, \$9.00; Police Department, \$6.00; Entertainment Commission, \$4.00; Department of Public Health, \$50.50.

### **Amendments to Current Law**

These amendments would adjust the surcharge on permit, license, permit review and renewal fees imposed in connection with permits and licenses issued, approved or renewed by the designated City departments, based on each department's history of appeals filed with the Board of Appeals and consistent with the fiscal year 2022-2023 budget for the Board of Appeals. These amendments also update references for surcharges applicable to the Planning Department, Department of Building Inspection, Department of Public Works, Police Department, Entertainment Commission, and the Department of Public Health. The proposed ordinance will adjust the surcharges as follows: Planning Department, \$37.00; Department of Building Inspection, \$37.00; Department of Public Works, \$9.00; Police Department, \$3.00, Entertainment Commission, \$2.00; Department of Public Health, \$45.00.

Background Information

This legislation is designed to reduce the dependency of the Board of Appeals on funding from the City's General Fund by adjusting surcharges in an equitable manner to generate sufficient revenue, together with Board of Appeals filing fees, to meet the operating expenses, including employee wage rates and fringe benefits, attributable to administering the administrative appeals process at the Board of Appeals.

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