

1 [Administrative Code - Civic Design Review Fee]

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3 **Ordinance amending the Administrative Code to modify the Civic Design Review fee**
4 **from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per**
5 **project, establish a process for an annual cost-of-living fee adjustment, set a timeline**
6 **for fee payment, describe the method for determining fees for projects involving**
7 **multiple structures situated together as part of a larger development plan, and describe**
8 **circumstances that may qualify for fee waiver or reduction.**

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

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

17 Section 1. The Administrative Code is hereby amended by revising Section 3.19A, to
18 read as follows:

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

20 Any entity, public or private, including any office, department, or agency of the City and
21 County of San Francisco requiring the Arts Commission's civic design review and approval
22 under Charter Section 5.103(1) ("Applicant") shall pay a fee to the Arts Commission consistent
23 with the provisions of this ~~s~~Section 3.19A. For purposes of this ~~s~~Section, the Arts
24 Commission's "Civic Design Review" includes approving the designs for all public structures,
25 any private structure ~~which~~ that extends over or upon any public property, and any yards,
courts, set-backs, or usable open spaces ~~which~~ that are an integral part of any such structures.

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

6 (a) **Civic Design Review Deposit Base Fee**. ~~Effective July 1, 2006~~As of the effective
7 date of the ordinance in Board of Supervisors File No. 180754, an Applicant shall submit ~~a deposit~~
8 ~~of \$2,500 ("Deposit")~~ a fee of \$12,800 to the Arts Commission for each project requiring ~~such~~
9 ~~Civic Design R~~review under ~~San Francisco~~ Charter Section 5.103(1).

10 (b) **Annual Adjustment of Fee**. Beginning with fiscal year 2019-2020, the fee set forth in
11 subsection (a) may be adjusted each year by the Controller, without further action by the Board of
12 Supervisors, as set forth in the following process.

13 (1) No later than April 1 of each year, the Director of Cultural Affairs shall report
14 to the Controller:

15 (A) the revenues generated by the fee for the prior fiscal year;

16 (B) the costs incurred by the Arts Commission in performance of its Civic Design
17 Review functions for the prior fiscal year; and

18 (C) any other information that the Controller or the Director of Cultural Affairs
19 determines appropriate to the performance of the functions set forth in this Section 3.19A.

20 (2) No later than May 15 of each year, the Controller shall determine whether the
21 current fee has produced or is projected to produce sufficient revenue to support the costs of providing
22 the services for which the fee is assessed and that the fee does not or will not produce revenue that
23 exceeds the costs of providing the services for which the fee is assessed.

24 (3) No later than May 15 of each year, the Controller shall, if necessary, adjust the
25 fee upward or downward for the upcoming fiscal year as appropriate to ensure that the Arts

1 Commission recovers the costs incurred in performing its Civic Design Review functions without
2 producing revenue that exceeds such costs. The adjusted fee shall become operative on July 1 of that
3 same year.

4 (bc) ~~Deposit and Fee Deadlines~~ Time for Payment. The ~~Deposit fee~~ shall be payable at
5 the time ~~an Applicant submits a~~ of filing an application or request for Civic Design Review of a
6 project. The balance must be paid in full 10 days in advance of the first scheduled public hearing
7 before the Civic Design Review Committee to consider the project. The Arts Commission is not
8 required to schedule review of any project ~~whose~~ for which an Applicant has failed to pay the
9 fee required by this ~~s~~Section 3.19A.

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

17 (d) Project Review. Applications or requests for Civic Design Review for multiple
18 structures situated together as part of a larger development plan (a "Campus") will be considered
19 distinct projects under this Section 3.19A. The Applicant shall pay the then current fee to the Arts
20 Commission for each structure within a Campus requiring the Arts Commission's civic design review
21 and approval under Charter Section 5.103(1).

22 (de) **Refunds.** When an application is withdrawn by the Applicant prior to a public
23 hearing or deemed canceled by the Arts Commission due to inactivity on the part of the
24 Applicant, then the Applicant shall be entitled to a refund of the fee paid to the Arts
25 Commission less the cost of time and materials incurred minus a \$200 processing fee. Refund

1 *requests must be submitted within six months of the project closure date. In addition, where the actual*
2 *time and materials cost in connection with a project that the Arts Commission has acted on is less than*
3 *the Deposit paid under this section, the Arts Commission shall refund the difference between the*
4 *Deposit and the actual time and materials cost.*


5 (ef) **Waiver.** The Director of Cultural Affairs may waive *or reduce* the fees required
6 under this ~~s~~Section 3.19A where the Applicant demonstrates in a written application that
7 payment of such fees would present an undue financial hardship on the Applicant and would
8 jeopardize the completion of the project. *The Director of Cultural Affairs may also waive or reduce*
9 *fees for projects of limited scope or Campus projects that include structures of identical form and*
10 *character.*

11 Section 2. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the "Note" that appears under
20 the official title of the ordinance.

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

24 By:


LAUREN CURRY
Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

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

File Number: 180754

Date Passed: September 25, 2018

Ordinance amending the Administrative Code to modify the Civic Design Review fee from a deposit of \$2,500 plus the time and materials costs to a flat fee of \$12,800 per project, establish a process for an annual cost-of-living fee adjustment, set a timeline for fee payment, describe the method for determining fees for projects involving multiple structures situated together as part of a larger development plan, and describe circumstances that may qualify for fee waiver or reduction.

September 06, 2018 Rules Committee - RECOMMENDED

September 18, 2018 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

September 25, 2018 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani and Tang
Excused: 1 - Yee

File No. 180754

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/25/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10/5/18

Date Approved