

FILE NO. 040819

ORDINANCE NO. 154-04

1 [Fee Adjustments.]  
2

3 **Ordinance amending the San Francisco Planning Code by amending Article 3.5 to**  
4 **adjust fees for Planning Department services; and making environmental findings.**

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

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

9 Section 1. Findings. The Planning Department has determined the proposed fee  
10 adjustments to be exempt from the requirements of the California Environmental Quality Act  
11 (CEQA) pursuant to CEQA Guidelines Section 15273(a), which exempts rates, tolls, fares and  
12 charges such as those proposed here.

13 Section 2. The San Francisco Planning Code is hereby amended by amending Article  
14 3.5, to read as follows:

15 SEC. 350. FEES, GENERAL.

16 Fees shall be imposed in order to compensate the Planning Department for the  
17 cost of processing permit applications for the establishment, abolition or modification of a  
18 setback line, for signs, demolition, reclassification of property, conditional use authorization,  
19 variance, or coastal zone permit; reviewing permit applications filed in and issued by other  
20 City departments, institutional master plans, General Plan amendments and referrals, projects  
21 which require review under Section 295 of this Code (park shadow ordinance) and permits  
22 requiring additional review by nature of their location within the C-3 District (Section 309(b)) or  
23 exceptions from the Planning Code (Section 309(a)), permits required under the Office  
24 Development Limitation Program (Sections 320-325), review of redevelopment plans,  
25 transferable development rights applications, projects requiring special review pursuant to

1 Section 306.7; providing transportation review associated with project applications, providing  
2 policy and code review and interpretation, Zoning Administrator written determinations  
3 pursuant to Section 307(a), research, document retrieval and technical reports, Planning  
4 Commission and Landmarks Preservation Advisory Board agendas, and notification of project  
5 applications. Fees shall be charged and collected as indicated for each class of application,  
6 permit, filing request or activity listed in Sections 351 through 357 below.

7 (a) Estimated construction costs are as defined by the San Francisco Building  
8 Code.

9 (b) All fees are payable at time of filing application or request, except where noted  
10 otherwise. However, the Director of Planning may authorize phased collection of the fee for a  
11 project whose work is projected to span more than one fiscal year.

12 (c) Time and Materials. The Planning Department shall charge the applicant for any  
13 time and materials cost incurred in excess of the fee paid. The total additional charge shall not  
14 exceed two times the initial fee paid without providing an estimate of cost, except as provided  
15 below:

16 (1) Where initial fee is based upon two hours or less of staff time, the total additional  
17 charges shall not exceed four times the initial fee without providing an estimate of costs.

18 (2) Applications with verified violations of this Code shall be charged time and  
19 materials in excess of fee for renotification, investigation and research relating to processing  
20 applications, where the applicant has failed to respond fully, and within the time requested, to  
21 a notice of incomplete application citing the code violations with direction for their correction,  
22 not to exceed five times the amount of the initial fee.

23 (3) Where a different limitation on time and material charges is set forth elsewhere  
24 in this Article, that limitation shall prevail.

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1 (4) The Planning Department may also charge for any time and material costs  
2 incurred by other departments or agencies of the City and County of San Francisco.

3 (d) Refunds. When an application is withdrawn by the applicant prior to a public  
4 hearing, or deemed canceled by the Planning Department due to inactivity on the part of the  
5 applicant then the applicant shall be entitled to a refund of the fee paid to the Department less  
6 the time and materials expended minus a \$200 processing fee.

7 (e) Deferred or Reduced Fee.

8 (1) Any fraternal, charitable, benevolent or any other nonprofit organization, which  
9 organization is exempt from taxation under the Internal Revenue laws of the United States  
10 and the Revenue and Taxation Code of the State of California as a bona fide fraternal,  
11 charitable, benevolent or other nonprofit organization, shall pay fees for applications specified  
12 in Section 352(a), (g), (h), and (i) based on time and materials only, up to the full fee, and may  
13 defer payment of the fee until (1) before final Planning Department approval of the building  
14 permit, preparatory to issuance of the building permit, before the building permit is released to  
15 the applicant, or (2) within one year of the date of action on the application, whichever comes  
16 first; provided that the application is for the development of residential units all of which are  
17 affordable to low and moderate income households, as defined in the Guidelines of the United  
18 States Housing and Urban Development Department, for a period of 20 years, which  
19 exemption shall apply notwithstanding the inclusion in the development of other nonprofit  
20 ancillary or accessory uses.

21 (2) An exemption from paying the full fees specified under Section 352(b) may be  
22 granted when the requestor's income is not enough to pay for the fee without affecting their  
23 abilities to pay for the necessities of life, provided that the person seeking the exemption  
24 demonstrates to the Zoning Administrator that they are substantially affected by the proposed  
25 project.

1           SEC. 351. MISCELLANEOUS SERVICES.

2           (a)    Agendas for Planning Commission: \$19 annual subscription to cover  
3 costs of mailing. Planning Commission Secretary may authorize exemptions in those  
4 instances where costs would impose financial hardship.

5           (b)    Agendas for Landmarks Preservation Advisory Board: \$10 annual subscription  
6 to cover costs of mailing.

7           (c)    Document Retrieval: Actual estimated costs for retrieval and return of files  
8 stored off- site per schedule prepared by Director of Planning. No charge is allowed for labor  
9 costs incurred in document retrieval, only out-of-pocket expenses paid by the Department.

10          (d)    Information, Analysis, Report Preparation and Presentation, Research Services,  
11 Data Requests, Site Inspections: The costs of report preparation may be amortized by  
12 factoring full-cost recovery into the pricing of such information and reports: \$65 for first hour of  
13 staff time, plus time and materials as set forth in Section 350(c).

14          (e)    Monitoring Projects:

15          (1)    Monitoring Conditions of Approval and Mitigation Measures Established  
16 Pursuant to an Environmental Document or a Public Hearing by the Planning Commission or  
17 Zoning Administrator for All Approved Applications in Chapter 31 of the Administrative Code  
18 or Sections 352(a) and (i), 353(a) and (b) and 355: \$71 for first hour of staff time plus time and  
19 materials as set forth in Section 350(c). This fee shall supersede project monitoring fees  
20 under prior Section 352(g)(1) unless required as a condition of approval by the Planning  
21 Commission. For monitoring required subsequent to the time of permit issuance or where no  
22 permit is required, the fee will be charged and collected by the Department.

23          (f)    Project Review for Policy and Code Review and Interpretation for Prospective  
24 Projects for which an Application has not been Filed, and Site-Specific Design Guidelines and  
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1 Code-Complying Massing Recommendations: \$100 for first two hours of staff time, plus time  
2 and materials as set forth in Section 350(c).

3 (g) Project Notifications for an Individual or Organization Requesting Notification of  
4 Project Applications:

5 (1) First Address or First Assessor's Block: \$25 per annum.

6 (2) Additional Addresses: \$10 for addresses in each new Assessor's Block  
7 thereafter, per annum.

8 (h) Zoning Administrator Written Determinations Pursuant to Section 307(a): \$100  
9 minimum for first hour of staff time, plus time and materials as set forth in Section 350(c).

10 (i) Reactivating an application that the Zoning Administrator has deemed withdrawn  
11 due to inactivity and the passage of time, subject to the approval of the Zoning Administrator  
12 and within six months of the date the application was deemed withdrawn: \$1,000 plus time  
13 and materials to cover any additional staff costs, total charge not to exceed twice the initial fee  
14 paid for the original application without providing an estimate of cost.

15 SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING  
16 APPLICATIONS.

17 (a) Conditional Use (Section 303), Planned Unit Development (Section 304),  
18 Variance (Section 305), Downtown (C-3) District Review (Section 309) and Coastal Zone  
19 Permit (Section 330) Applications Commission Hearing Fee Schedule:

Estimated Construction Cost	Initial Fee
Less than <del>\$10,000</del> <u>\$9,999</u>	<del>\$1,000</del> <u>\$704</u>
\$10,000 to \$999,999	<del>\$1,000</del> <u>\$704</u> plus .46% <u>.324%</u> of cost over \$10,000
\$1,000,000 to \$4,999,999	<del>\$5,516</del> <u>\$3,911</u> plus .55% <u>.387%</u> of cost over
	\$1,000,000

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\$5,000,000 to \$9,999,999	<del>\$27,670</del> <u>\$19,391</u> plus <del>.46%</del> <u>.324%</u> of cost over \$5,000,000
\$10,000,000 to \$19,999,999	<del>\$50,476</del> <u>\$35,591</u> plus <del>.24%</del> <u>.169%</u> of cost over \$10,000,000
\$20,000,000 or more	<del>\$74,476</del> <u>\$52,491</u>
No construction cost	<del>\$1,000</del> <u>\$704</u>

(b) Variance (Section 305)

<u>Estimated Construction Cost</u>	<u>Initial Fee</u>
<u>Less than \$9,999</u>	<u>\$601</u>
<u>\$10,000 to \$999,999</u>	<u>\$601 plus .277% of cost over \$10,000</u>
<u>\$1,000,000 to \$4,999,999</u>	<u>\$3,343 plus .331% of cost over \$1,000,000</u>
<u>\$5,000,000 to \$9,999,999</u>	<u>\$16,583 plus .277% of cost over \$5,000,000</u>
<u>\$10,000,000 to \$19,999,999</u>	<u>\$30,433 plus .145% of cost over \$10,000,000</u>
<u>\$20,000,000 or more</u>	<u>\$44,933</u>
<u>No construction cost</u>	<u>\$601</u>

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330)

Applications Commission Hearing Fee Schedule:

<u>Estimated Construction Cost</u>	<u>Initial Fee</u>
<u>Less than \$9,999</u>	<u>\$356</u>
<u>\$10,000 to \$999,999</u>	<u>\$356 plus .164% of cost over \$10,000</u>
<u>\$1,000,000 to \$4,999,999</u>	<u>\$1,979 plus .196% of cost over \$1,000,000</u>
<u>\$5,000,000 to \$9,999,999</u>	<u>\$9,819 plus .164% of cost over \$5,000,000</u>
<u>\$10,000,000 to \$19,000,000</u>	<u>\$18,019 plus .086% of cost over \$10,000,000</u>
<u>\$20,000,000 or more</u>	<u>\$26,619</u>
<u>No construction cost</u>	<u>\$356</u>

1 (1) Applications with Verified Violations of this Code: Time and materials as set forth  
2 in Section 350(c).

3 (2) Where an applicant requests two or more approvals involving a conditional use,  
4 planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of  
5 appropriateness, permit to alter a significant or contributory building both within and outside of  
6 Conservation Districts, or a coastal zone permit review, the amount of the second and each  
7 subsequent initial fees shall be reduced to 50 percent plus time and materials as set forth in  
8 Section 350(c). This subsection shall not apply to Section 309(a) exceptions (Section 353(a)).

9 (3) Minor project modifications requiring a public hearing to amend conditions of  
10 approval of a previously authorized project, not requiring a substantial reevaluation of the prior  
11 authorization: \$800 plus time and materials as set forth in Section 350(c).

12 (4) The applicant shall be charged for any time and materials beyond the initial fee  
13 paid in Section 352(a), as set forth in Section 350(c).

14 (5) An applicant proposing significant revisions to a project for which an application  
15 is on file with the Planning Department shall be charged time and materials to cover the full  
16 costs in excess of the fee paid, not to exceed three times the original fee without providing an  
17 estimate of cost.

18 (6) For agencies or departments of the City and County of San Francisco, the initial  
19 fee for applications shall be based upon the construction cost as set forth above; provided,  
20 however, that the initial fee shall not exceed the initial fee established for projects with a  
21 construction cost of \$5,000,000. For those projects with a construction cost of \$5,000,000 or  
22 more, the agency or department shall be charged for any time and materials beyond the initial  
23 fee paid, not to exceed three times the amount of the initial fee.

24 (~~b~~) (d) Discretionary Review Request: ~~\$125~~ ~~\$300~~ \$187.50 for the first ~~two~~ three hours of  
25 staff time as set forth in Section 350(c). Mandatory discretionary reviews: \$2,183.

1           ~~(e)~~ (e) Institutional Master Plan (Section 304.5).

2           (1) Full Institutional Master Plan or Substantial Revision: \$6,500 for first 100 hours  
3 of staff time as set forth in Section 350(c).

4           (2) Abbreviated Institutional Master Plan: \$650 for first 10 hours of staff time as set  
5 forth in Section 350(c).

6           ~~(d)~~ (f) Land Use Amendments and Related Plans and Diagrams of the San Francisco  
7 General Plan: Fee based on the Department's estimated actual costs for time and materials  
8 required to review and implement the requested amendment, according to a budget prepared  
9 by the Director of Planning, in consultation with the sponsor of the request.

10           ~~(e)~~ (g) General Plan Referrals: ~~\$214~~ \$300 for first three hours of staff time plus time and  
11 materials for each subsequent hour of staff time, as set forth in Section 350(c). Total charge  
12 not to exceed \$1,500, without providing an estimate of cost.

13           ~~(f)~~ (h) Redevelopment Plan Review: The Director of Planning shall prepare a budget to  
14 cover actual time and materials expected to be incurred, in consultation with the  
15 Redevelopment Agency. A sum equal to ½ the expected cost will be submitted to the  
16 Department, prior to the commencement of the review. The remainder of the costs will be due  
17 at the time the initial payment is depleted.

18           ~~(g)~~ (i) Reclassify Property or Impose Interim Zoning Controls: ~~\$3,000~~ \$8,878.

19           (1) The applicant shall be charged for any time and materials as set forth in Section  
20 350(c).

21           (2) Applications with Verified Violations of this Code: Time and materials as set forth  
22 in Section 350(c).

23           ~~(h)~~ (j) Setback Line, Establish, Modify or Abolish: \$1,500.

24           ~~(i)~~ (k) Temporary Use Fees: \$71 for first hour of staff time plus time and materials as  
25 set forth in Section 350(c).



1            ~~(j)~~ (l) Amendments to Text of the Planning Code: ~~\$3,000~~ \$21,787 plus time and  
2 materials as set forth in Section 350(c).

3            ~~(k)~~ (m) Zoning Administrator Conversion Determinations Related to Service Station  
4 Conversions (Section 228.4): Basic commission hearing fee schedule with no construction  
5 cost as set forth in Section 352(a) plus time and materials as set forth in Section 350(c).

6            SEC. 353. DOWNTOWN APPLICATIONS.

7            (a) Exception in C-3 District (Section 309): \$5,000 for one or more exceptions to the  
8 Planning Code, which shall not be reduced per Section 352~~(a)~~(c)(2).

9            (b) Modifications in C-3 District, Determination of Need (Section 309): Same as  
10 Basic commission hearing fee schedule (Sections 352~~(a)~~(c), 352~~(a)~~(c)(1) et seq.).

11            (c) Office Development Limitation Projects (Sections 320 through 323): ~~\$15,000~~  
12 \$3,160 per application.

13            (d) Transfer of Development Rights and Article 11 Designated Buildings: \$670.

14            (1) Significant or Contributory Building, Designation or Change of Boundary: ~~\$670~~  
15 \$1,686.

16            (2) Conservation District, Designation or Change of Boundary: ~~\$670~~ \$1,686.

17            (3) Permit to Alter a Significant or Contributory Building within a designated  
18 Conservation District, not Deemed Minor by the Zoning Administrator: Same as for Certificate  
19 of Appropriateness (Section 356(c)).

20            (4) Alteration of a Contributory Building located outside a Conservation District from  
21 which no TDR has been transferred and no issuance of a permit pursuant to Sections 1111  
22 through 1111.6: \$25.

23            (5) Significant or Contributory Building Demo-Litton: \$670. This fee shall be in  
24 addition to any fee otherwise required for permits to alter or demolish. However, applications  
25 to demolish a Contributory Building located outside a Conservation District from which no

1 TDR has been transferred or a Category V Building in a Conservation District from which no  
2 TDR has been transferred are subject only to the demolition fee contained in Section 355(b).

3 (6) Statement of Eligibility: ~~\$500~~ \$1,130.

4 (7) Certificate of Transfer, Execution: ~~\$264~~ \$277.

5 (8) Certification of Transfer of TDR: ~~\$500~~ \$1,250.

6 SEC. 354. ENVIRONMENTAL REVIEW.

7 See Administrative Code, Section ~~31.46B~~ 31.21 et seq. for fees.

8 SEC. 355. PERMIT APPLICATIONS.

9 (a) Building permit applications for a new building, change in use or alter the  
10 exterior of an existing building, to be collected by Central Permit Bureau; provided, however,  
11 that the fees charged for Planning Department approval at the Construction Services Center  
12 for the replacement of windows and doors shall be reduced to ½ the fee set forth below.

13 Estimated Construction Cost	Initial Fee
14 \$500 or less	\$50 <u>plus \$ 51 Discretionary Review Surcharge</u>
15 \$501 to \$1,999	\$50 plus 10% of cost over \$500 <u>plus \$51</u> 16 <u>Discretionary Review Surcharge</u>
17 \$2,000 to \$9,999	\$200 plus 2% of cost over \$2,000 <u>plus \$51</u> 18 <u>Discretionary Review Surcharge</u>
19 \$10,000 to \$99,999	\$360 plus .45% of cost over \$10,000 <u>plus \$51</u> 20 <u>Discretionary Review Surcharge</u>
21 \$100,000 to \$499,999	\$765 plus .35% of cost over \$100,000 <u>plus \$51</u> 22 <u>Discretionary Review Surcharge</u>
23 \$500,000 to \$4,999,999	\$2,165 plus .27% of cost over \$500,000 <u>plus</u> 24 <u>\$51 Discretionary Review Surcharge</u>
25	

1	\$5,000,000 or more	\$14,315 <u>plus \$51 Discretionary Review</u>
2		<u>Surcharge</u>
3	No construction cost	\$190 plus time and materials in excess
4		of fee paid, total charge not to exceed five
5		times the initial fee, without providing an
6		estimate of cost <u>plus \$51 Discretionary Review</u>
7		<u>Surcharge.</u>

8           (1) Applications with Verified Violations of this Code, Time and materials as set forth  
9 in Section 350(c).

10           (2) Back-Check Fee for Permit Revisions: \$71 for first hour of staff time plus time  
11 and materials as set forth in Section 350(c), to be collected at time of permit issuance.

12           (3) Shadow Fee for New Construction or Alteration Exceeding 40 Feet in Height  
13 (Section 295): Additional ~~\$200~~ \$882 plus time and materials as set forth in Section 350(c).

14           (4) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section  
15 311: \$40 for first hour of staff time, plus time and materials as set forth in Section 350(c).

16           (5) For projects with a construction cost of \$5,000,000 or more, the applicant shall  
17 be charged the permit fee for a project with a \$5,000,000 construction cost.

18           (6) Permits for solar panels shall be 1/2 the above fee. Over-the-counter permits for solar  
19 equipment installation: \$100.00.

20           (b) Demolition Applications, to be Collected by Central Permit Bureau: \$400.

21           (c) Fire, Police and Health Department Permit Applications Review: \$45 for first  
22 hour of staff time plus time and materials to be collected by the other departments in  
23 conjunction with current fee collections, time and materials not to exceed five times the initial  
24 fee without providing an estimate of cost.

25           (d) Sign Applications, to be Collected by Central Permit Bureau: \$90.

1 SEC. 356. PRESERVATION APPLICATIONS. (Article 10).

2 (a) Landmark: \$250.

3 (b) Amendment, Rescission or Designation of Historical District: \$1,000 plus time  
4 and materials in excess of fee paid.

5 (c) Certificate of Appropriateness:

6 Estimated Construction Cost	7 Fee
8 Less than \$1,000	<del>\$200</del> <u>\$234</u>
9 \$1,000 to \$9,999	<del>\$400</del> <u>\$468</u>
10 <del>\$10,000 or more</del>	<del>Conditional Use Fee Schedule (Section 352(a))</del>
11 <u>\$10,000 to \$999,999</u>	<u>\$468 plus .539% of cost over \$10,000</u>
12 <u>\$1,000,000 to \$4,999,999</u>	<u>\$5,804 plus .644% of cost over \$1,000,000</u>
13 <u>\$5,000,000 to \$9,999,999</u>	<u>\$31,564 plus .539% of cost over \$5,000,000</u>
14 <u>\$10,000,000 to \$19,999,999</u>	<u>\$58,514 plus .281% of cost over \$10,000,000</u>
15 <u>\$20,000,000 or more</u>	<u>\$86,614</u>
16 <u>No construction cost</u>	<u>\$234</u>

17 (d) Determination that a building is a compatible rehabilitation or a compatible  
18 replacement building, pursuant to Section 309 or 1109: Same as for Conditional Use (Section  
19 352(a)).

20 (e) Processing and administering an application for an historical properties contract  
21 under the California Mills Act, California Government Code Sections 50280—50290: ~~\$322~~  
22 \$4,135 for first four hours of staff time plus time and materials as set forth in Section 350(c).  
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1 SEC. 357. TRANSPORTATION REVIEW ASSOCIATED WITH PROJECT  
2 APPLICATIONS.

3 Transportation Study: ~~\$5,680~~ \$17,686 plus time and materials as set forth in Section  
4 350(a).

5  
6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By: Theodore R. Lakey  
9 JUDITH A. BOYAJIAN  
10 Deputy City Attorney



# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 040819

**Date Passed:**

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to adjust fees for Planning Department services; and making environmental findings.

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June 22, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick,  
Peskin, Sandoval

Absent: 1 - Dufty

Excused: 1 - Ma

June 29, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,  
McGoldrick, Peskin, Sandoval

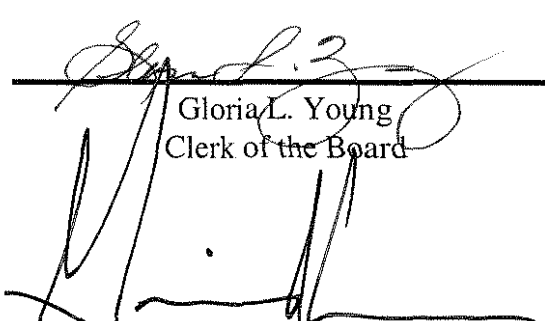
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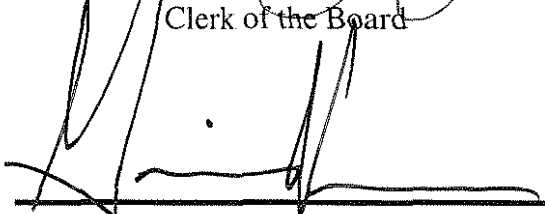
I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 29, 2004 by the Board of Supervisors of the City and County of San Francisco.

JUL 08 2004

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Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Gavin Newsom