[Fee Adjustments.]

Ordinance amending the San Francisco Administrative Code by amending Sections 31.22 and 31.23 to adjust fees for Planning Department services; and making environmental findings.

Note: Additions are single-underline italics Times New Roman; Deletions are strikethrough-italics Times New Roman. Board amendment additions are double underlined.

Board amendment deletions are strikethrough-normal.

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

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

Section 2. The San Francisco Administrative Code is hereby amended by amending Sections 31.22 and 31.23, to read as follows:

SEC. 31.22. BASIC FEES.

(a) The following basic fees shall be charged by the Planning Department, as specified in Section 31.21 above:

(1) For an initial study of a project excluding use of special expertise or technical assistance, as described in Section 31.21 below, the initial fee shall be:

— Where the total estimated construction cost as defined by the San Francisco Building Code is less than $10,000: $950;
— Where said total estimated construction cost is $10,000 or more, but less than $200,000: $950 $3,957 PLUS $41% 1.838% of the cost over $10,000;
Where said total estimated construction cost is $200,000 or more, but less than $1,000,000:
$1,730 $7,449 PLUS .31% .130% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000:
$4,248 $18,569 PLUS .26% .116% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000:
$27,647 $123,509 PLUS .08% .359% of the cost over $10,000,000;

Where said total estimated construction cost is $30,000,000 or more, but less than $100,000,000:
$27,647 $123,509 PLUS .08% .359% of the cost over $30,000,000;

Where said total estimated construction cost is $100,000,000 or more:
$53,489 $238,309 PLUS .03% .014% of the cost over $100,000,000.

Where there is no construction cost: $950; plus time and materials as set forth in subsection (b)(2).

An applicant proposing significant revisions to a project for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the fee paid, total charge not to exceed three times the initial fee without providing an estimate of cost.

(2) For preparation of an environmental impact report excluding use of special expertise or technical assistance, as described in Section 31.22 below, the initial fee shall be:

Where the total estimated construction cost as defined in the San Francisco Building Code is less than $200,000: $16,000 $21,244;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $16,000 $21,244 PLUS .4% .532% of the cost over $200,000;
— Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $19,187 $25,500 plus .359% of the cost over $1,000,000;

— Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000: $43,514 $57,810 plus .147% of the cost over $10,000,000;

— Where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000: $64,854 $87,210 plus .040% of the cost over $30,000,000;

— Where said total construction cost is $50,000,000 or more, but less than $100,000,000: $70,328 $95,210 plus .040% of the cost over $50,000,000;

— Where said total estimated construction cost is $100,000,000 or more: $84,554 $115,210 plus .04% of the cost over $100,000,000.

— Where there is no construction cost: $16,000 $21,244 plus time and materials as set forth in Subsection (b)(2).

Projects sponsored by City agencies shall be only subject to time and material costs incurred.

An applicant proposing significant revisions to a project for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the fee paid, total charge not to exceed three times the initial fee without providing an estimate of cost.

(3) For an appeal to the Planning Commission: The fee shall be $200 to the appellant, and an additional fee shall be paid by the project sponsor based on the time and materials the Planning Department expends in responding to the appeal; provided, however, that this additional fee shall not exceed three times the cost of the initial evaluation as set forth in Paragraph (1) above without providing an estimate of costs.

(4) For preparation of an addendum to an environmental impact report that has previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: $5,000.
(5) For preparation of a supplement to a draft or certified final environmental impact report: One-half of the fee that would be required for a full environmental impact report on the same project, as set forth in Paragraph (2) above.

(6) For reevaluation of a modified project for which a negative declaration has been prepared: $500 plus time and materials as set forth in Subsection (b)(2).

(7) For preparation of a Certificate of Exemption from Environmental Review determining that a project is categorically exempt, statutorily exempt, ministerial/nonphysical, an emergency, or a planning and feasibility study: $150 plus time and materials as set forth in Subsection (b)(2).


(9) For reactivating an application that the Environmental Review Officer has deemed withdrawn due to inactivity and the passage of time, subject to the approval of the Environmental Review Officer and within six months of the date the application was deemed withdrawn: $1,000 plus time and materials to cover any additional staff costs, total charge not to exceed twice the initial fee for the original application without providing an estimate of cost.

(10) For an appeal of certification of EIR. Appellant shall pay two hundred nine dollars ($209.00) for an appeal of the Planning Commission's certification of an EIR to the Board. Such fee shall be used to defray the cost of producing the EIR for the Board as well as the cost of Planning Department staff time. Such fee shall be refunded to the appellant in the event the Board of Supervisors remands the environmental impact report to the Planning Commission for revisions based upon the same specific issues related to the adequacy and accuracy of the final EIR stated in the appeal.

(b) Payment.

(1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department at the time of the filing of the environmental evaluation application, and where an
environmental impact report is determined to be required, the fee specified in Subsection (a)(2) shall be paid at the time the preliminary draft environmental impact report 1 (PDEIR 1) is prepared, except as specified below. However, the Director of Planning may authorize phased collection of the fee for a project whose work is projected to span more than one fiscal year.

(2) The Planning Department shall charge the applicant for any time and material costs incurred in excess of the fee paid where authorized above. The total additional charge shall not exceed two times the initial fee paid without providing an estimate of cost. Provided, however, that where a different limitation on time and materials is set forth elsewhere in this Section, that limitation shall prevail.

(3) Any fraternal, charitable, benevolent or any other nonprofit organization, which organization is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or other nonprofit organization, may defer payment of the fees specified herein, with the exception of the fees payable pursuant to Section 31.22(a)(3) and Section 31.22(a)(10) herein, until the time of issuance of the building permit, before the building permit is released to the applicant; or (2) within one year of the date of completion of the environmental review document, whichever is sooner, provided that the application is for the development of residential units all of which units are affordable to low and moderate income households, as defined in the Guidelines of the United States Housing and Urban Development Department, for a period of 20 years, which exemption shall apply notwithstanding the inclusion in the development of other nonprofit ancillary or accessory uses.

(4) An exemption from paying the full fees set forth in Section 31.22(a)(3) and Section 31.22(a)(10) herein may be granted when the requestor's income is not enough to
pay the fee without affecting his or her abilities to pay for the necessities of life, provided that
the person seeking the exemption demonstrates to the Environmental Review Officer that he
or she is substantially affected by the proposed project.

(5) Exceptions to the payment provisions noted above may be made when the
Environmental Review Officer has authorized phased collection of the fee for a project whose
work is projected to span more than one fiscal year.

(c) Refunds. When a request for an initial evaluation or for preparation of an
environmental impact report is (1) either withdrawn by the applicant prior to publication of an
environmental document or (2) deemed canceled by the Planning Department due to inactivity
on the part of the applicant, then the applicant shall be entitled to a refund of the fees paid to
the Department less the time and materials expended minus a $200 processing fee.

(d) Late Charges and Collection of Overdue Accounts. A surcharge of one percent
per month shall be added to the fee amount owing the Department for fee accounts in arrears
more than 30 days. The Zoning Administrator may call upon other City agencies or duly
licensed collection agencies for assistance in collecting delinquent accounts more than six
months in arrears, in which case any additional costs of collection may be added to the fee
amount outstanding. If the Department seeks the assistance of a duly licensed collection
agency, the approval procedures of Administrative Code Article 5, Section 10.39-1 et seq. will
be applicable.

(e) These amendments to fees related to the Planning Department are intended to
provide revenues for the staffing and other support necessary to provide more timely
processing of applications within that Department.

SEC. 31.23. OTHER FEES.

(a) Where an initial evaluation or preparation of an environmental impact report and
related environmental studies require the use of special expertise or technical assistance not
provided by the board, commission, department or other person who is to carry out the project, such expertise or assistance shall be paid for by such board, commission, department or other person. This payment shall be made either to the Planning Department or, if the Planning Department so requests, directly to the party that will provide such expertise or technical assistance.

(b) Where outside consultants are used for such purposes, and the project is to be directly carried out by a person other than a board, commission or department of the City, such consultants shall report their findings directly to the Planning Department.

(c) Where employees of the City are used for such purposes, the costs of such employees shall be paid to the board, commission or department providing such employees.

(d) In addition to any filing fees required by statute, the County Clerk shall collect a documentary handling fee in the amount of $25 for each filing made pursuant to California Fish and Game Code Section 711.4, Subdivision (d).

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

By: JUDITH A. BOYAJIAN
Deputy City Attorney
Tails
Ordinance

Ordinance amending the San Francisco Administrative Code by amending Sections 31.22 and 31.23 to adjust fees for Planning Department services; and making environmental findings.

June 22, 2004  Board of Supervisors — PASSED ON FIRST READING
   Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandoval
   Absent: 1 - Duffy
   Excused: 1 - Ma

June 29, 2004  Board of Supervisors — FINALLY PASSED
   Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
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.

Gloria L. Young
Clerk of the Board

JUL 28 2004

Date Approved

Mayor Gavin Newsom