

1 [Fee Adjustments.]

2
3 **Ordinance amending the San Francisco Administrative Code by amending Sections**
4 **31.22 and 31.23 to adjust fees for Planning Department services; and making**
5 **environmental findings.**

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

8 Board amendment deletions are ~~strikethrough normal~~.

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

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

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

16 SEC. 31.22. BASIC FEES.

17 (a) The following basic fees shall be charged by the Planning Department, as
18 specified in Section ~~31.19~~ 31.21 above:

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

21 — Where the total estimated construction cost as defined by the San Francisco
22 Building Code is less than \$10,000: \$950;

23 — Where said total estimated construction cost is \$10,000 or more, but less than
24 \$200,000: ~~\$950~~ \$3,957 PLUS ~~.41%~~ 1.838% of the cost over \$10,000;

1 — Where said total estimated construction cost is \$200,000 or more, but less than
2 \$1,000,000: ~~\$1,730~~ \$7,449 PLUS ~~.31%~~ 1.390% of the cost over \$200,000;

3 — Where said total estimated construction cost is \$1,000,000 or more, but less
4 than \$10,000,000: ~~\$4,248~~ \$18,569 PLUS ~~.26%~~ 1.166% of the cost over \$1,000,000;

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

7 — Where said total estimated construction cost is \$30,000,000 or more, but less
8 than \$50,000,000: ~~\$44,067~~ \$195,309 PLUS ~~.03%~~ .135% of the cost over \$30,000,000;

9 — Where said total estimated construction cost is \$50,000,000 or more, but less
10 than \$100,000,000: ~~\$49,540~~ \$222,309 PLUS ~~.007%~~ .032% of the cost over \$50,000,000;

11 — Where said total estimated construction cost is \$100,000,000 or more: ~~\$53,189~~
12 \$238,309 PLUS ~~.003%~~ .014% of the cost over \$100,000,000.

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

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

19 (2) For preparation of an environmental impact report excluding use of special
20 expertise or technical assistance, as described in Section ~~31.21~~ 31.22 below, the initial fee
21 shall be:

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

24 — Where said total estimated construction cost is \$200,000 or more, but less than
25 \$1,000,000: ~~\$16,000~~ \$21,244 PLUS ~~.4%~~ .532% of the cost over \$200,000;

1 — Where said total estimated construction cost is \$1,000,000 or more, but less
2 than \$10,000,000: ~~\$19,187~~ \$25,500 PLUS ~~.27%~~ .359% of the cost over \$1,000,000;

3 — Where said total estimated construction cost is \$10,000,000 or more, but less
4 than \$30,000,000: ~~\$43,514~~ \$57,810 PLUS ~~.11%~~ .147% of the cost over \$10,000,000;

5 — Where said total estimated construction cost is \$30,000,000 or more, but less
6 than \$50,000,000: ~~\$64,854~~ \$87,210 PLUS ~~.03%~~ .040% of the cost over \$30,000,000;

7 — Where said total construction cost is \$50,000,000 or more, but less than
8 \$100,000,000: ~~\$70,328~~ \$95,210 PLUS ~~.03%~~ .040% of the cost over \$50,000,000;

9 — Where said total estimated construction cost is \$100,000,000 or more: ~~\$84,554~~
10 \$115,210 PLUS ~~.01%~~ .014% of the cost over \$100,000,000.

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

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

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

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

24 (4) For preparation of an addendum to an environmental impact report that has
25 previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: \$5,000.

1 (5) For preparation of a supplement to a draft or certified final environmental impact
2 report: One-half of the fee that would be required for a full environmental impact report on the
3 same project, as set forth in Paragraph (2) above.

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

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

10 (8) For preparation of a letter of exemption from environmental review: \$65.

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

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

23 (b) Payment.

24 (1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department
25 at the time of the filing of the environmental evaluation application, and where an

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

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

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

24 (4) An exemption from paying the full fees set forth in Section 31.22(a)(3) and
25 Section 31.22(a)(10) herein may be granted when the requestor's income is not enough to

1 pay the fee without affecting his or her abilities to pay for the necessities of life, provided that
2 the person seeking the exemption demonstrates to the Environmental Review Officer that he
3 or she is substantially affected by the proposed project.

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

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

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

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

23 SEC. 31.23. OTHER FEES.

24 (a) Where an initial evaluation or preparation of an environmental impact report and
25 related environmental studies require the use of special expertise or technical assistance not

1 provided by the board, commission, department or other person who is to carry out the
2 project, such expertise or assistance shall be paid for by such board, commission, department
3 or other person. This payment shall be made either to the Planning Department or, if the
4 Planning Department so requests, directly to the party that will provide such expertise or
5 technical assistance.

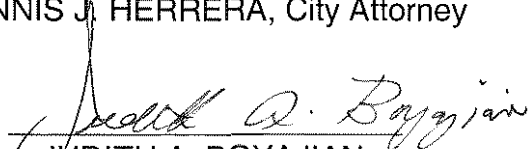
6 (b) Where outside consultants are used for such purposes, and the project is to be
7 directly carried out by a person other than a board, commission or department of the City,
8 such consultants shall report their findings directly to the Planning Department.

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

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

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17
18 By:


19 JUDITH A. BOYAJIAN
20 Deputy City Attorney
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City and County of San Francisco

City Hall
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San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 040820

Date Passed:

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 - Dufty
Excused: 1 - Ma

June 29, 2004 Board of Supervisors — FINALLY PASSED

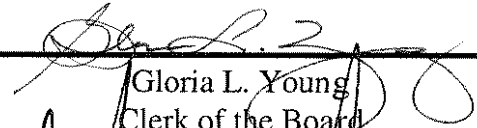
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

File No. 040820

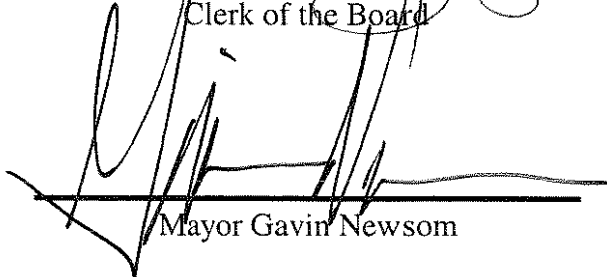
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on June 29, 2004 by the Board of Supervisors of the City and County of San Francisco.

JUL 08 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom