

June 28, 2010

FILE NO. 100724

ORDINANCE NO. 213-10

1 [Update to Environmental Review Fees to Increase Fees for Cost Recovery, Establish a New  
2 Fee for Mitigation and Conditions of Approval Monitoring, and Make Other Clarifying  
3 Changes]

4 **Ordinance amending the San Francisco Administrative Code by amending Sections**  
5 **31.22, 31.23 and ~~31.24~~ 31.23.1 to increase all fees 2.61 percent which is the cost of**  
6 **living adjustment, and an additional 2.04 percent for cost recovery, further increase**  
7 **Categorical Exemption Class 32, Negative Declaration and EIR addendum fees for cost**  
8 **recovery, change the timing of EIR payments, add a new fee for mitigation and**  
9 **condition of approval monitoring, and for the MTA and PUC for Categorical Exemption**  
10 **Certificates, clarify phase collection payments and refund policy, and establish a**  
11 **processing fee for phased payments.**

12 NOTE: Additions are single-underline italics Times New Roman;  
13 deletions are ~~strike-through italics Times New Roman~~.  
14 Board amendment additions are double-underlined;  
PBoard amendment deletions are ~~strikethrough-normal~~.

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

16 Section 1. Findings. (a) The Planning Department is able to recover the cost of long  
17 range planning through its building permit review, CEQA (California Environmental Quality  
18 Act, California Public Resources Code Sections 21000 et seq.) review, and land use  
19 entitlement fees.

20 (b) The current fee structure is set to recover a portion of long range planning cost  
21 through said fees, but the cost of long range planning, which includes historic preservation  
22 survey and designation work, is increasing beyond the annual cost of living adjustment.

23 (c) It is in the public interest for the private project sponsor to reimburse the City for  
24 the benefit he or she derives as a consequence of public supported planning.

25 Mayor Newsom  
BOARD OF SUPERVISORS

1 (d) Environmental Finding. The Planning Department has determined that the  
2 proposed fee adjustments are statutorily excluded from CEQA under the CEQA Guidelines  
3 Section 15273(a), which exempts rates, tolls, fares and charges such as those proposed here.  
4 Said determination is on file with the Clerk of the Board of Supervisors in File No.  
5 100724 and is incorporated herein by reference.

6 Section 2. The San Francisco Administrative Code is hereby amended by amending  
7 Sections 31.22 and 31.23 and adding 31.24, to read as follows:

8 SEC. 31.22 BASIC FEES.

9 (a) The Planning Department shall charge the following basic fees to applicants for  
10 projects located outside of recently adopted Plan Areas (adopted after July 1, 2005) that do  
11 not require one or more of the following, which will be initiated through the adoption of an Area  
12 Plan: Code amendments for the height or bulk district and General Plan amendments, as  
13 specified in Section 31.21 above:

14 (1) For an initial study of a project excluding use of special expertise or technical  
15 assistance, as described in Section 31.23 below, the initial fee shall be:

16 Where the total estimated construction cost as defined by the San Francisco  
17 Building Code is between \$0 and \$9,999: ~~\$1,003~~1,070;

18 Where said total estimated construction cost is \$10,000 or more, but less than  
19 \$200,000: ~~\$4,1633,903~~ PLUS ~~4.9342~~4.024% of the cost over \$10,000;

20 Where said total estimated construction cost is \$200,000 or more, but less than  
21 \$1,000,000: ~~\$8,0847,579~~ PLUS ~~4.4621~~5.30 % of the cost over \$200,000;

22 Where said total estimated construction cost is \$1,000,000 or more, but less  
23 than \$10,000,000: ~~\$20,56149,275~~ PLUS ~~4.2271~~2.84% of the cost over \$1,000,000;

24 Where said total estimated construction cost is \$10,000,000 or more, but less  
25 than \$30,000,000: ~~\$138,356429,705~~ PLUS ~~0.3780~~3.96% of the cost over \$10,000,000;

1           Where said total estimated construction cost is \$30,000,000 or more, but less  
2 than \$50,000,000: \$ 218,998,205,305 PLUS 0.1420.149% of the cost over \$30,000,000;

3           Where said total estimated construction cost is \$50,000,000 or more, but less  
4 than \$100,000,000: \$ 249,293,233,705 PLUS 0.0340.036% of the cost over \$50,000,000;

5           Where said total estimated construction cost is \$100,000,000 or more:  
6 \$ 267,426,250,705 PLUS 0.0150.016% of the cost over \$100,000,000.

7           An applicant proposing major revisions to a project application that has been inactive  
8 for more than six months and is assigned shall submit a new application. An applicant  
9 proposing significant revisions to a project which has not been assigned and for which an  
10 application is on file with the Planning Department shall be charged time and materials to  
11 cover the full costs in excess of the initial fee paid.

12           (2) For preparation of an environmental impact report excluding use of special  
13 expertise or technical assistance, as described in Section 31.23 below, the initial fee shall be:

14           Where the total estimated construction cost as defined in the San Francisco  
15 Building Code is between \$0 to \$199,999: \$ 23,763,222,277;

16           Where said total estimated construction cost is \$200,000 or more, but less than  
17 \$1,000,000: \$ 23,763,222,277 PLUS 0.5580.584% of the cost over \$200,000;

18           Where said total estimated construction cost is \$1,000,000 or more, but less  
19 than \$10,000,000: \$ 28,655,26,864 PLUS 0.3780.396% of the cost over \$1,000,000;

20           Where said total estimated construction cost is \$10,000,000 or more, but less  
21 than \$30,000,000: \$ 64,945,60,884 PLUS 0.1620.155% of the cost over \$10,000,000;

22           Where said total estimated construction cost is \$30,000,000 or more, but less  
23 than \$50,000,000: \$ 98,012,94,884 PLUS 0.0440.042% of the cost over \$30,000,000;

24           Where said total construction cost is \$50,000,000 or more, but less than  
25 \$100,000,000: \$ 107,025,400,333 PLUS 0.0440.042% of the cost over \$50,000,000;

1           Where said total estimated construction cost is \$100,000,000 or more:  
2     \$129,747,421,634 PLUS 0.0160-015% of the cost over \$100,000,000.

3           An applicant proposing major revisions to a project application that has been inactive  
4     for more than six months and is assigned shall submit a new application. An applicant  
5     proposing significant revisions to a project which has not been assigned and for which an  
6     application is on file with the Planning Department shall be charged time and materials to  
7     cover the full costs in excess of the initial fee paid.

8           (3) For an appeal to the Planning Commission: The fee shall be \$500.00 to the  
9     appellant; provided, however, that the fee shall be waived if the appeal is filed by a  
10    neighborhood organization that: (a) has been in existence for 24 months prior to the appeal  
11    filing date, (b) is on the Planning Department's neighborhood organization notification list, and  
12    (c) can demonstrate to the Planning Director or his/her designee that the organization is  
13    affected by the proposed project. An exemption from paying this appeal fee may be granted  
14    when the requestor's income is not enough to pay for the fee without affecting their abilities to  
15    pay for the necessities of life, provided that the person seeking the exemption demonstrates  
16    to the Planning Director or his/her designee that they are substantially affected by the  
17    proposed project.

18          (4) For an appeal to the Board of Supervisors of environmental determinations,  
19    including the certification of an EIR, a negative declaration, or determination of a categorical  
20    exemption, the fee shall be \$500.00 to the appellant; provided, however, that the fee shall be  
21    waived if the appeal is filed by a neighborhood organization that: (a) has been in existence for  
22    24 months prior to the appeal filing date, (b) is on the Planning Department's neighborhood  
23    organization notification list, and (c) can demonstrate to the Planning Director or his/her  
24    designee that the organization is affected by the proposed project. Fees shall be used to  
25    defray the cost of appeal for the Planning Department. Such fee shall be refunded to the

1 appellant in the event the Planning Department rescinds its determination or the Board of  
2 Supervisors remands or rejects the environmental impact report, negative declaration, or  
3 determination of a categorical exemption to the Planning Commission for revisions based on  
4 issues related to the adequacy and accuracy of the environmental determination. An  
5 exemption from paying this appeal fee may be granted when the requestor's income is not  
6 enough to pay for the fee without affecting their ability to pay for the necessities of life,  
7 provided that the person seeking the exemption demonstrates to the Clerk of the Board of  
8 Supervisors or his/her designee that they are substantially affected by the proposed project.

9 (5) For preparation of an addendum to an environmental impact report that has  
10 previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: or  
11 reevaluation of a modified project for which a negative declaration has been prepared: \$22,281 ~~9,~~  
12 ~~5388,944~~ plus time and materials as set forth in Subsection (b)(2).

13 (6) For preparation of a supplement to a draft or certified final environmental impact  
14 report: One-half of the fee that would be required for a full environmental impact report on the  
15 same project, as set forth in Paragraph (2) above, plus time and materials as set forth in  
16 Subsection (b)(2).

17 ~~(7) For reevaluation of a modified project for which a negative declaration has been~~  
18 ~~prepared: \$8,941 plus time and materials as set forth in Subsection (b)(2).~~

19 (7)(a) For preparation of a Certificate of Exemption from Environmental Review  
20 determining that a project is categorically exempt, statutorily exempt, ministerial/nonphysical,  
21 an emergency, or a planning and feasibility study: ~~\$285,267~~ for applications that require only a  
22 stamp, ~~\$5,581,523~~ as an initial fee for applications that require an Exemption Certificate, plus  
23 time and materials as set forth in Subsection (b)(2).

24 (7)(b) For preparation of a Class 32 Certificate of Exemption from Environmental Review  
25 determining that a project is categorically exempt, the initial fee shall be:



















