

185-06

FILE NO. 060697

ORDINANCE NO.

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 ~~striketrough italics Times New Roman~~.  
8 Board amendment additions are double underlined.  
9 Board amendment deletions are ~~striketrough-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 31.21 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~~ between \$0 and \$10,000-\$9,999: \$950-\$895;

23 — Where said total estimated construction cost is \$10,000 or more, but less than  
24 \$200,000: ~~\$3,957~~ \$3,720 PLUS ~~1.838%~~ 1.725% 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: ~~\$7,449~~ \$6,997 PLUS ~~+390%~~ 1.304% 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: ~~\$18,569~~ \$17,429 PLUS ~~+166%~~ 1.094% 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: ~~\$123,509~~ \$115,889 PLUS ~~+359%~~ .337% 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: ~~\$195,309~~ \$183,289 PLUS ~~+135%~~ .127% 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: ~~\$222,309~~ \$208,689 PLUS ~~+032%~~ .030% of the cost over \$50,000,000;

11 — Where said total estimated construction cost is \$100,000,000 or more: ~~\$238,309~~  
12 \$223,689 PLUS ~~+014%~~ .013% 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 an~~  
18 ~~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 31.22 below, the initial fee shall be:

21 — Where the total estimated construction cost as defined in the San Francisco  
22 Building Code is less than between \$0 to \$200,000-\$199,999: \$21,244 \$19,870;

23 — Where said total estimated construction cost is \$200,000 or more, but less than  
24 \$1,000,000: \$21,244 \$19,870 PLUS ~~+532%~~ .498% 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: ~~\$25,500~~ \$23,961 PLUS ~~.359%~~ .337% 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: ~~\$57,810~~ \$54,291 PLUS ~~.147%~~ .138% 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: ~~\$87,210~~ \$81,891 PLUS ~~.040%~~ .038% 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: ~~\$95,210~~ \$89,491 PLUS ~~.040%~~ .038% of the cost over \$50,000,000;

9           — Where said total estimated construction cost is \$100,000,000 or more: ~~\$115,210~~  
10 \$108,491 PLUS ~~.014%~~ .013% of the cost over \$100,000,000.

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

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

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

18           (3) For an appeal to the Planning Commission: The fee shall be ~~\$200~~ \$400 to the  
19 appellant; provided, however, that the fee shall be \$200 waived if the appeal is filed by a  
20 neighborhood organization that: (a) has been in existence for 24 months prior to the appeal  
21 filing date, and (b) is on the Planning Department's neighborhood organization notification list,  
22 and (c) can demonstrate to the Planning Director or his/her designee that the organization is  
23 affected by the proposed project. An exemption from paying this appeal fee may be granted  
24 when the requestor's income is not enough to pay for the fee without affecting their abilities to  
25 pay for the necessities of life, provided that the person seeking the exemption demonstrates

1 to the Planning Director or his/her designee that they are substantially affected by the  
2 proposed project.

3 (4) For an appeal to the Board of Supervisors of environmental determinations, including  
4 the certification of an EIR, a negative declaration, or determination of a categorical exemption, the fee  
5 shall be \$400 to the appellant; provided, however, that the fee shall be \$200 waived if the appeal  
6 is filed by a neighborhood organization that: (a) has been in existence for 24 months prior to  
7 the appeal filing date, and (b) is on the Planning Department's neighborhood organization  
8 notification list, and (c) can demonstrate to the Planning Director or his/her designee that the  
9 organization is affected by the proposed project. Fees shall be used to defray the cost of appeal  
10 for the Board of Supervisors and the Planning Department. Such fee shall be refunded to the appellant  
11 in the event the Planning Department rescinds its determination or the Board of Supervisors  
12 remands or rejects the environmental impact report, negative declaration, or determination of a  
13 categorical exemption to the Planning Commission for revisions based on issues related to the  
14 adequacy and accuracy of the environmental determination. An exemption from paying this appeal  
15 fee may be granted when the requestor's income is not enough to pay for the fee without  
16 affecting their abilities to pay for the necessities of life, provided that the person seeking the  
17 exemption demonstrates to the Clerk of the Board of Supervisors or his/her designee that they  
18 are substantially affected by the proposed project.

19 (5)-(4) For preparation of an addendum to an environmental impact report that has  
20 previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: \$5,000  
21 \$7,780 plus time and materials as set forth in Subsection (b)(2).

22 (6)-(5) For preparation of a supplement to a draft or certified final environmental impact  
23 report: One-half of the fee that would be required for a full environmental impact report on the  
24 same project, as set forth in Paragraph (2) above, plus time and materials as set forth in  
25 Subsection (b)(2).

1           (7) ~~(6)~~ For reevaluation of a modified project for which a negative declaration has been  
2 prepared: ~~\$500~~ \$7,780 plus time and materials as set forth in Subsection (b)(2).

3           (8) ~~(7)~~ For preparation of a Certificate of Exemption from Environmental Review  
4 determining that a project is categorically exempt, statutorily exempt, ministerial/nonphysical,  
5 an emergency, or a planning and feasibility study: ~~\$150~~ \$170 for applications that require only a  
6 stamp, \$4,785 as an initial fee for applications that include preservation HRER review or require an  
7 Exemption Certificate, plus time and materials as set forth in Subsection (b)(2).

8           (9) ~~(8)~~ For preparation of a letter of exemption from environmental review: ~~\$65~~ \$170,  
9 plus time and materials as set forth in Subsection (b)(2).

10           (10) ~~(9)~~ For reactivating an application that the Environmental Review Officer has  
11 deemed withdrawn due to inactivity and the passage of time, subject to the approval of the  
12 Environmental Review Officer and within six months of the date the application was deemed  
13 withdrawn: ~~\$1,000~~ \$190 plus time and materials to cover any additional staff costs, ~~total charge~~  
14 ~~not to exceed twice the initial fee for the original application without providing an estimate of cost.~~

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

21           (b) Payment.

22           (1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department  
23 at the time of the filing of the environmental evaluation application, and where an  
24 environmental impact report is determined to be required, the fee specified in Subsection  
25 (a)(2) shall be paid at the time the preliminary draft environmental impact report 1 (PDEIR 1)

1 is prepared, except as specified below. However, the Environmental Review Officer Director of  
2 Planning or his/her designee may authorize phased collection of the fee for a project whose  
3 work is projected to span more than one fiscal year.

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

10 (3) The Controller will annually adjust the fee amounts specified in Section  
11 31.22(a)(5),(6),(7), (8),(9), (10) and Section 31.23(d) by the two-year average consumer price index  
12 (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA). Effective  
13 September 30, 2008~~7~~, the fee amounts specified in Section 31.22(a)(1)(2)(5),(6),(7),(8),(9),(10) and  
14 Section 31.23(d) will increase 6.3% to support an increase in departmental overhead from rent costs at  
15 1650 Mission Street.

16 ~~(3)~~(4) Any fraternal, charitable, benevolent or any other nonprofit organization, which  
17 organization that is exempt from taxation under the Internal Revenue laws of the United States  
18 and the Revenue and Taxation Code of the State of California as a bona fide fraternal,  
19 charitable, benevolent or other nonprofit organization, or public entity that submits an application  
20 for the development of residential units all of which are affordable to low and moderate income  
21 households, as defined by the United State Housing and Urban Development Department, for a time  
22 period that is consistent with the policy of the Mayor's Office of Housing and the San Francisco  
23 Redevelopment Agency may defer payment of the fees specified herein, with the exception of  
24 the fees payable pursuant to Section 31.22(a)(3) and Section 31.22(a)(10) herein, until the  
25 time of issuance of the building permit, before the building permit is released to the applicant;

1 or (2) within one year of the date of completion of the environmental review document,  
2 whichever is sooner. ~~provided that the application is for the development of residential units all of~~  
3 ~~which units are affordable to low and moderate income households, as defined in the Guidelines of the~~  
4 ~~United States Housing and Urban Development Department, for a period of 20 years. This which~~  
5 exemption shall apply notwithstanding the inclusion in the development of other nonprofit  
6 ancillary or accessory uses.

7 (4)(5) An exemption from paying the full fees set forth in Section 31.22(a)(3) and  
8 Section 31.22(a)(10) herein may be granted when the requestor's income is not enough to  
9 pay the fee without affecting his or her abilities to pay for the necessities of life, provided that  
10 the person seeking the exemption demonstrates to the Environmental Review Officer Director of  
11 Planning or his/her designee that he or she is substantially affected by the proposed project.

12 (5)(6) Exceptions to the payment provisions noted above may be made when the  
13 Environmental Review Officer Director of Planning or his/her designee has authorized phased  
14 collection of the fee for a project whose work is projected to span more than one fiscal year.

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

20 (d) Late Charges and Collection of Overdue Accounts. ~~A surcharge of one percent per~~  
21 ~~month shall be added to the fee amount owing the Department for fee accounts in arrears more than 30~~  
22 ~~days. The Director or his/her designee Zoning Administrator may shall~~ call upon the Bureau of  
23 Delinquent Revenues City agencies or duly licensed collection agencies for assistance in  
24 collecting delinquent accounts more than ~~six months~~ 60 days in arrears, in which case any  
25 additional costs of collection may be added to the fee amount outstanding. If the Department

1 seeks the assistance of a duly licensed collection agency, the approval procedures of  
2 Administrative Code Article 5, Section 10.39-1 et seq. will be applicable.

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

6 SEC. 31.23. OTHER FEES.

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

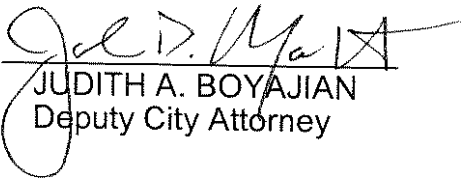
14 (b) Where outside consultants are used for such purposes, and the project is to be  
15 directly carried out by a person other than a board, commission or department of the City,  
16 such consultants shall report their findings directly to the Planning Department.

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

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



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

3 By:   
4 JUDITH A. BOYAJIAN  
5 Deputy City Attorney  
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# 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:** 060697

**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.

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July 11, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

July 18, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Noes: 1 - Ma

File No. 060697

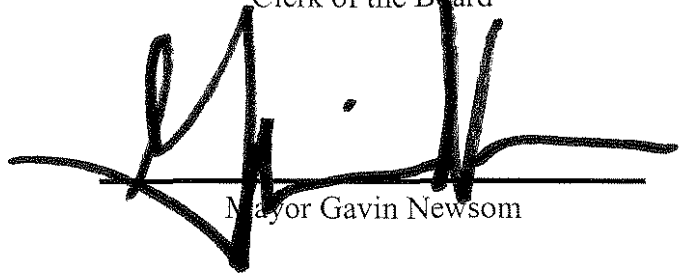
I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on July 18, 2006 by  
the Board of Supervisors of the City and  
County of San Francisco.



Gloria L. Young  
Clerk of the Board

7/21/2006

Date Approved



Mayor Gavin Newsom