

File No. 140593

Committee Item No. 3

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date June 18, 2014

June 20, 2014

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 19141</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____   |
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Completed by: Linda Wong Date June 13, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Planning Code - Fee Elimination]

2  
3 **Ordinance amending the Planning Code to eliminate 4 fees, including the Installment**  
4 **Agreement Processing Fee, the Refund Processing Fee, the Fee for Information**  
5 **Analysis Request for Information Technology, and the Reactivation Fee for Closed**  
6 **Cases; making environmental findings, and findings of consistency with the General**  
7 **Plan, and the eight priority policies of Planning Code, Section 101.1.**

8 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

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

16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this  
18 ordinance comply with the California Environmental Quality Act (California Public Resources  
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
20 Supervisors in File No. 140593, and is incorporated herein by reference.

21 (b) On May 8, 2014, the Planning Commission, in Resolution No. 19141, adopted  
22 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
23 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
24 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
25 Board of Supervisors in File No. 140593, and is incorporated herein by reference.

1 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
2 amendments will serve the public necessity, convenience, and welfare for the reasons set  
3 forth in Planning Commission Resolution No. 19141, and the Board incorporates such  
4 reasons herein by reference. A copy of Planning Commission Resolution No. 19141 is on file  
5 with the Board of Supervisors in File No. 140593.

6  
7 Section 2. The Planning Code is hereby amended by revising Sections 350 and 351 to  
8 read as follows:

9 **SEC. 350. FEES, GENERAL.**

10 Fees shall be imposed in order to compensate the Planning Department for the cost of  
11 processing applications and for the development and revision of land use controls. Fees shall  
12 be charged and collected as indicated for each class of application, permit, filing request or  
13 activity listed in Sections 351 through 358 below.

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

15 (b) All fees are payable at time of filing application or request, except where noted  
16 otherwise. However, the Director of Planning or his/her designee may authorize phased  
17 collection of the fee for a project whose work is projected to span more than one fiscal year. ~~A~~  
18 ~~nonrefundable processing fee of \$53 is required to set up any installment payment plan for all~~  
19 ~~application fees.~~ The balance of phased payments must be paid in full one week in advance of  
20 the first scheduled public hearing before the Planning Commission to consider the project or  
21 before issuance of the first site permit if no hearing is required.

22 \* \* \* \*

23 (d) Refunds. When an application is withdrawn by the applicant prior to a public  
24 hearing, or deemed canceled by the Planning Department due to inactivity on the part of the  
25 applicant, then the applicant shall be entitled to a refund of the fee paid to the Department

1 less the time and materials expended *minus a \$436 processing fee.* Refund requests must be  
2 submitted within six months of the project closure date.

3 \* \* \* \*

4 **SEC. 351. MISCELLANEOUS SERVICES.**

5 (a) **Agendas for Planning Commission:** \$38.00 annual subscription to cover costs of  
6 mailing. The Planning Director or his/her designee may authorize exemptions in those  
7 instances where costs would impose financial hardship.

8 (b) **Agendas for Historic Preservation Commission:** \$38.00 annual subscription to  
9 cover costs of mailing. The Planning Director or his/her designee, may authorize exemption in  
10 those instances where costs would impose financial hardship.

11 (c) **Document Retrieval:** Files stored on-site – actual costs for printing file(s), Files  
12 stored off-site: – actual costs for retrieval, printing and return of files, as specified in a retrieval  
13 schedule prepared by Director of Planning, or his/her designee.

14 ~~(d) Information, Analysis, Report Preparation and Presentation, Research Services, Data~~  
15 ~~Requests: The costs of report preparation may be amortized by factoring full cost recovery into the~~  
16 ~~pricing of such information and reports: \$250.00 as an initial fee.~~

17 **(d e) Monitoring Projects:**

18 ~~(f)~~ **Monitoring Conditions of Approval:** Upon adoption of conditions of  
19 approval which the Zoning Administrator determines require active monitoring, the fee shall be  
20 \$1,153.00 as an initial fee, plus time and materials as set forth in Section 350(c).

21 **(e f) Project Review for Policy and Code Review and Interpretation for**  
22 **Prospective Projects for which an Application has not been Filed, and Site-Specific**  
23 **Design Guidelines and Code-Complying Massing Recommendations and Department**  
24 **facilitated pre-application meetings:** \$376.00 for new construction and modifications to 5 or  
25 fewer dwelling units and for affordable housing projects as defined in the Guidelines of the

1 United States Housing and Urban Development Department, and \$889.00 for all other  
2 projects and Department facilitated pre-application meetings.

3 (f g) (1) Project Notifications for an Individual Requesting Notification of Project  
4 Applications:

5 (A) First Address or First Assessor's Lot: \$33.00 per annum.

6 (B) Additional Addresses: \$13.00 for addresses in each new Assessor's  
7 Lot thereafter, per annum.

8 (2) Project Notifications for a Neighborhood Organization, defined as (i) having  
9 been in existence for 24 months prior to the request, and (ii) is listed on the Planning  
10 Department's neighborhood organization notification list, requesting Notification of Project  
11 Applications:

12 (A) **First Address or First Assessor's Block:** \$33.00 per annum.

13 (B) **Additional Addresses:** \$13.00 for addresses in each new Assessor's  
14 Block thereafter, per annum.

15 (g h) **Zoning Administrator Written Determinations Pursuant to Section 307(a):**  
16 \$125.00 for zoning letters of conformance, \$563.00 for other written determinations.

17 ~~(i) Reactivating an application that the Zoning Administrator has deemed withdrawn due to~~  
18 ~~inactivity and the passage of time, subject to the approval of the Zoning Administrator and within six~~  
19 ~~months of the date the application was deemed withdrawn: \$237.00~~

20 (h j) **Preliminary Project Assessment:** \$4,427 which will be credited to the first project  
21 application filed.

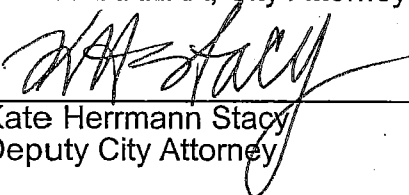
22  
23 Section 3. Effective Date. This ordinance shall become effective 30 days after  
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
8 additions, and Board amendment deletions in accordance with the "Note" that appears under  
9 the official title of the ordinance.

10  
11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By:

  
\_\_\_\_\_  
Kate Herrmann Stacy  
Deputy City Attorney

14  
15 n:\anduse\kstacy\PlanningCodeCorrections\FeeEliminationInitiationOrdinance2

**LEGISLATIVE DIGEST**

[Planning Code - Fee Elimination]

**Ordinance amending the Planning Code to eliminate 4 fees, including the Installment Agreement Processing Fee, the Refund Processing Fee, the Fee for Information Analysis Request for Information Technology and the Reactivation Fee for Closed Cases; making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.**

Existing Law

The Planning Code sets forth a number of fees for permits that the Planning Department issues. Currently, the following 4 fees are included, among many others, in the list of fees: (1) a processing fee of \$53 in order to set up a phased payment plan for a phased collection of fees for a project whose work is projected to span more than one fiscal year; (2) a \$436 non-refundable processing fee when applications are withdrawn or canceled prior to a public hearing; (3) a \$250 initial fee in order to prepare certain kinds of information or reports; and (4) a reactivation fee of \$237 to reactive an application that the Zoning Administrator has deemed withdrawn due to inactivity and passage of time.

Amendments to Current Law

These 4 fees are proposed for elimination so would no longer be charged.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 19141

HEARING DATE: MAY 8, 2014

*Case No.:* 2014.0442T  
*Project:* Fee Elimination Legislation  
*Staff Contact:* Keith DeMartini – (415) 575-9118  
[Keith.DeMartini@sfgov.org](mailto:Keith.DeMartini@sfgov.org)  
*Recommendation:* Recommend Approval

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ELIMINATE THE INSTALLMENT AGREEMENG PROCESSING FEE, REFUND PROCESSING FEE, INFORMATION ANALYSIS REQUESTS FOR IT, AND REACTIVATION FEE.

### PREAMBLE

WHEREAS, the Mayor's budget instructions for Fiscal Year 2014 - 2016 instructed departments "to review all existing fees carefully to determine whether any existing fees may be reduced or eliminated. To the degree that these changes require legislative action, the Mayor's Office will coordinate all legislation with the budget;" and

WHEREAS, Department staff presented the fee elimination proposal to the Historic Preservation Commission on February 5, 2014 and February 19, 2014 during Department budget hearings. The Historic Preservation recommended approval of the Department's Fiscal Year 2014 – 2016 budget to the Planning Commission on February 19, 2014; and

WHEREAS, Department staff presented the fee elimination proposal to the Planning Commission on February 6, 2014 and February 20, 2014 during Department budget hearings. The Planning Commission approved of the Department's Fiscal Year 2014 – 2016 budget on February 20, 2014; and

WHEREAS, the Department has determined that none of these fees have a high volume of transactions, and none of them generate any significant revenue for the Department. The costs to the Department of administrative staff processing these transactions are so minor and have declined over the past two fiscal years that it no longer requires a fee. The Department does not expect any significant, negative impact from the elimination of these fees in FY14-15 and beyond; and



WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 3, 2014; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) and 15273; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

**MOVED**, that pursuant to Planning Code Section 302(b), the Commission hereby adopts this Resolution to recommend approval of the draft Ordinance to the Board of Supervisors.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on May 8, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya, Wu

NOES: None

ABSENT: None

ADOPTED: May 8, 2014

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 2, 2014

File No. 140593

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

Our office has received the following legislation introduced by Mayor Lee today:

File No. 140593

**Ordinance amending the Planning Code to eliminate 4 fees, including the Installment Agreement Processing Fee, the Refund Processing Fee, the Fee for Information Analysis Request for Information Technology and the Reactivation Fee for Closed Cases; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, likely belonging to Angela Calvillo.

By: Linda Wong, Assistant Clerk  
Budget and Finance Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

*Statutory Exemption - CEQA  
Guidelines Section 15273 -  
Fees, Tolls, Fines, and Charges.*

*J. Navarrete 6/4/14  
JOY NAVARRETE*

## Wong, Linda (BOS)

---

**From:** Navarrete, Joy (CPC)  
**Sent:** Thursday, June 05, 2014 2:41 PM  
**To:** Wong, Linda (BOS)  
**Subject:** RE: File 140593 - Environmental Review  
**Attachments:** 140593 Planning Code - Fee Elimination.pdf

CEQA determination for 140593

**Joy Navarrete. Senior Environmental Planner**  
**San Francisco Planning Department**  
**1650 Mission Street, Suite 400**  
**San Francisco, CA 94103**  
**P. 415-575-9040 F. 415-558-6409**  
**[www.sfplanning.org](http://www.sfplanning.org)**

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**From:** Wong, Linda (BOS)  
**Sent:** Monday, June 02, 2014 4:02 PM  
**To:** Jones, Sarah (CPC)  
**Cc:** Poling, Jeanie (CPC); Navarrete, Joy (CPC)  
**Subject:** File 140593 - Environmental Review

Good Afternoon,

Attached is a referral for BOS File No. 140593, which is being referred to the Planning Department for environmental review.

Sincerely,  
Linda Wong  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: 415.554.7719 | Fax: (415) 554-5163  
[Linda.Wong@sfgov.org](mailto:Linda.Wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

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***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers,*

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *For* Mayor Edwin M. Lee *EL*  
RE: Planning Code - Fee Elimination  
DATE: June 2, 2014

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Attached for introduction to the Board of Supervisors is the ordinance amending the Planning Code to eliminate 4 fees, including the Installment Agreement Processing Fee, the Refund Processing Fee, the Fee for Information Analysis Request for Information Technology and the Reactivation Fee for Closed Cases; making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 JUN -2 PM 12:35  
*EL*

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*(6)*