

1 [Fee Adjustments.]

2

3 **Ordinance amending the San Francisco Planning Code by amending Article 3.5 and**
4 **amending the San Francisco Administrative Code by amending Sections 31.22 and**
5 **31.23 to adjust fees for Planning Department services.**

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

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

10 Section 1. The San Francisco Planning Code is hereby amended by amending Article
11 3.5, to read as follows:

12 SEC. 350. FEES, GENERAL.

13 Fees shall be imposed in order to compensate the Planning Department for the
14 cost of processing permit applications for the establishment, abolition or modification of a
15 setback line, for signs, demolition, reclassification of property, conditional use authorization,
16 variance, or coastal zone permit; reviewing permit applications filed in and issued by other
17 City departments, institutional master plans, General Plan amendments and referrals, projects
18 which require review under Section 295 of this Code (park shadow ordinance) and permits
19 requiring additional review by nature of their location within the C-3 District (Section 309(b)) or
20 exceptions from the Planning Code (Section 309(a)), permits required under the Office
21 Development Limitation Program (Sections 320-325), review of redevelopment plans,
22 transferable development rights applications, projects requiring special review pursuant to
23 Section 306.7; providing transportation review associated with project applications, providing
24 policy and code review and interpretation, Zoning Administrator written determinations
25 pursuant to Section 307(a), research, document retrieval and technical reports, Planning

1 Commission and Landmarks Preservation Advisory Board agendas, and notification of project
2 applications. Fees shall be charged and collected as indicated for each class of application,
3 permit, filing request or activity listed in Sections 351 through 357 below.

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

6 (b) All fees are payable at time of filing application or request, except where noted
7 otherwise. However, the Director of Planning may authorize phased collection of the fee for a
8 project whose work is projected to span more than one fiscal year.

9 (c) Time and Materials. The Planning Department shall charge the applicant for any
10 time and materials cost incurred in excess of the fee paid. The total additional charge shall not
11 exceed two times the initial fee paid without providing an estimate of cost, except as provided
12 below:

13 (1) Where initial fee is based upon two hours or less of staff time, the total additional
14 charges shall not exceed four times the initial fee without providing an estimate of costs.

15 (2) Applications with verified violations of this Code shall be charged time and
16 materials in excess of fee for renotification, investigation and research relating to processing
17 applications, where the applicant has failed to respond fully, and within the time requested, to
18 a notice of incomplete application citing the code violations with direction for their correction,
19 not to exceed five times the amount of the initial fee.

20 (3) Where a different limitation on time and material charges is set forth elsewhere
21 in this Article, that limitation shall prevail.

22 (4) The Planning Department may also charge for any time and material costs
23 incurred by other departments or agencies of the City and County of San Francisco.

24 (d) Refunds. When an application is withdrawn by the applicant prior to a public
25 hearing, or deemed canceled by the Planning Department due to inactivity on the part of the

1 applicant then the applicant shall be entitled to a refund of the fee paid to the Department less
2 the time and materials expended minus a \$200 processing fee.

3 (e) Deferred or Reduced Fee.

4 (1) Any fraternal, charitable, benevolent or any other nonprofit organization, which
5 organization is exempt from taxation under the Internal Revenue laws of the United States
6 and the Revenue and Taxation Code of the State of California as a bona fide fraternal,
7 charitable, benevolent or other nonprofit organization, shall pay fees for applications specified
8 in Section 352(a), (g), (h), and (i) based on time and materials only, up to the full fee, and may
9 defer payment of the fee until (1) before final Planning Department approval of the building
10 permit, preparatory to issuance of the building permit, before the building permit is released to
11 the applicant, or (2) within one year of the date of action on the application, whichever comes
12 first; provided that the application is for the development of residential units all of which are
13 affordable to low and moderate income households, as defined in the Guidelines of the United
14 States Housing and Urban Development Department, for a period of 20 years, which
15 exemption shall apply notwithstanding the inclusion in the development of other nonprofit
16 ancillary or accessory uses.

17 (2) An exemption from paying the full fees specified under Section 352(b) may be
18 granted when the requestor's income is not enough to pay for the fee without affecting their
19 abilities to pay for the necessities of life, provided that the person seeking the exemption
20 demonstrates to the Zoning Administrator that they are substantially affected by the proposed
21 project.

22 SEC. 351. MISCELLANEOUS SERVICES.

23 (a) Agendas for Planning Commission: \$19 annual subscription to cover
24 costs of mailing. Planning Commission Secretary may authorize exemptions in those
25 instances where costs would impose financial hardship.

1 (b) Agendas for Landmarks Preservation Advisory Board: \$10 annual subscription
2 to cover costs of mailing.

3 (c) Document Retrieval: Actual estimated costs for retrieval and return of files
4 stored off- site per schedule prepared by Director of Planning. No charge is allowed for labor
5 costs incurred in document retrieval, only out-of-pocket expenses paid by the Department.

6 (d) Information, Analysis, Report Preparation and Presentation, Research Services,
7 Data Requests, Site Inspections: The costs of report preparation may be amortized by
8 factoring full-cost recovery into the pricing of such information and reports: \$65 for first hour of
9 staff time, plus time and materials as set forth in Section 350(c).

10 (e) Monitoring Projects:

11 (1) Monitoring Conditions of Approval and Mitigation Measures Established
12 Pursuant to an Environmental Document or a Public Hearing by the Planning Commission or
13 Zoning Administrator for All Approved Applications in Chapter 31 of the Administrative Code
14 or Sections 352(a) and (i), 353(a) and (b) and 355: \$71 for first hour of staff time plus time and
15 materials as set forth in Section 350(c). This fee shall supersede project monitoring fees
16 under prior Section 352(g)(1) unless required as a condition of approval by the Planning
17 Commission. For monitoring required subsequent to the time of permit issuance or where no
18 permit is required, the fee will be charged and collected by the Department.

19 (f) Project Review for Policy and Code Review and Interpretation for Prospective
20 Projects for which an Application has not been Filed, and Site-Specific Design Guidelines and
21 Code-Complying Massing Recommendations: \$100 for first two hours of staff time, plus time
22 and materials as set forth in Section 350(c).

23 (g) Project Notifications for an Individual or Organization Requesting Notification of
24 Project Applications:

25 (1) First Address or First Assessor's Block: \$25 per annum.

1 (2) Additional Addresses: \$10 for addresses in each new Assessor's Block
2 thereafter, per annum.

3 (h) Zoning Administrator Written Determinations Pursuant to Section 307(a): \$100
4 minimum for first hour of staff time, plus time and materials as set forth in Section 350(c).

5 (i) Reactivating an application that the Zoning Administrator has deemed withdrawn
6 due to inactivity and the passage of time, subject to the approval of the Zoning Administrator
7 and within six months of the date the application was deemed withdrawn: \$1,000 plus time
8 and materials to cover any additional staff costs, total charge not to exceed twice the initial fee
9 paid for the original application without providing an estimate of cost.

10 SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING
11 APPLICATIONS.

12 (a) Conditional Use (Section 303), Planned Unit Development (Section 304),
13 Variance (Section 305), Downtown (C-3) District Review (Section 309) and Coastal Zone
14 Permit (Section 330) Applications Commission Hearing Fee Schedule:

15	Estimated Construction Cost	Initial Fee
16	Less than \$10,000	\$1,000
17	\$10,000 to \$999,999	\$1,000 plus .46% of cost over \$10,000
18	\$1,000,000 to \$4,999,999	\$5,516 plus .55% of cost over \$1,000,000
19	\$5,000,000 to \$9,999,999	\$27,670 plus .46% of cost over \$5,000,000
20	\$10,000,000 to \$19,999,999	\$50,476 plus .24% of cost over \$10,000,000
21	\$20,000,000 or more	\$74,476
22	No construction cost	\$1,000.

23
24 (1) Applications with Verified Violations of this Code: Time and materials as set forth
25 in Section 350(c).

1 (2) Where an applicant requests two or more approvals involving a conditional use,
2 planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of
3 appropriateness, permit to alter a significant or contributory building both within and outside of
4 Conservation Districts, or a coastal zone permit review, the amount of the second and each
5 subsequent initial fees shall be reduced to 50 percent plus time and materials as set forth in
6 Section 350(c). This subsection shall not apply to Section 309(a) exceptions (Section 353(a)).

7 (3) Minor project modifications requiring a public hearing to amend conditions of
8 approval of a previously authorized project, not requiring a substantial reevaluation of the prior
9 authorization: \$800 plus time and materials as set forth in Section 350(c).

10 (4) The applicant shall be charged for any time and materials beyond the initial fee
11 paid in Section 352(a), as set forth in Section 350(c).

12 (5) An applicant proposing significant revisions to a project for which an application
13 is on file with the Planning Department shall be charged time and materials to cover the full
14 costs in excess of the fee paid, not to exceed three times the original fee without providing an
15 estimate of cost.

16 (6) For agencies or departments of the City and County of San Francisco, the initial
17 fee for applications shall be based upon the construction cost as set forth above; provided,
18 however, that the initial fee shall not exceed the initial fee established for projects with a
19 construction cost of \$5,000,000. For those projects with a construction cost of \$5,000,000 or
20 more, the agency or department shall be charged for any time and materials beyond the initial
21 fee paid, not to exceed three times the amount of the initial fee.

22 (b) Discretionary Review Request: \$125 for the first two hours of staff time as set
23 forth in Section 350(c).

24 (c) Institutional Master Plan (Section 304.5).

1 (1) Full Institutional Master Plan or Substantial Revision: \$6,500 for first 100 hours
2 of staff time as set forth in Section 350(c).

3 (2) Abbreviated Institutional Master Plan: \$650 for first 10 hours of staff time as set
4 forth in Section 350(c).

5 (d) Land Use Amendments and Related Plans and Diagrams of the San Francisco
6 General Plan: Fee based on the Department's estimated actual costs for time and materials
7 required to review and implement the requested amendment, according to a budget prepared
8 by the Director of Planning, in consultation with the sponsor of the request.

9 (e) General Plan Referrals: \$214 for first three hours of staff time plus time and
10 materials for each subsequent hour of staff time, as set forth in Section 350(c). Total charge
11 not to exceed \$1,500, without providing an estimate of cost.

12 (f) Redevelopment Plan Review: The Director of Planning shall prepare a budget to
13 cover actual time and materials expected to be incurred, in consultation with the
14 Redevelopment Agency. A sum equal to ½ the expected cost will be submitted to the
15 Department, prior to the commencement of the review. The remainder of the costs will be due
16 at the time the initial payment is depleted.

17 (g) Reclassify Property or Impose Interim Zoning Controls: \$3,000.

18 (1) The applicant shall be charged for any time and materials as set forth in Section
19 350(c).

20 (2) Applications with Verified Violations of this Code: Time and materials as set forth
21 in Section 350(c).

22 (h) Setback Line, Establish, Modify or Abolish: \$1,500.

23 (i) Temporary Use Fees: \$71 for first hour of staff time plus time and materials as
24 set forth in Section 350(c).

25

1 (j) Amendments to Text of the Planning Code: \$3,000 plus time and materials as
2 set forth in Section 350(c).

3 (k) Zoning Administrator Conversion Determinations Related to Service Station
4 Conversions (Section 228.4): Basic commission hearing fee schedule with no construction
5 cost as set forth in Section 352(a) plus time and materials as set forth in Section 350(c).

6 SEC. 353. DOWNTOWN APPLICATIONS.

7 (a) Exception in C-3 District (Section 309): \$5,000 for one or more exceptions to the
8 Planning Code, which shall not be reduced per Section 352(a)(2).

9 (b) Modifications in C-3 District, Determination of Need (Section 309): Same as
10 Basic commission hearing fee schedule (Sections 352(a), 352(a)(1) et seq.).

11 (c) Office Development Limitation Projects (Sections 320 through 323): \$15,000 per
12 application.

13 (d) Transfer of Development Rights and Article 11 Designated Buildings: \$670.

14 (1) Significant or Contributory Building, Designation or Change of Boundary: \$670.

15 (2) Conservation District, Designation or Change of Boundary: \$670.

16 (3) Permit to Alter a Significant or Contributory Building within a designated
17 Conservation District, not Deemed Minor by the Zoning Administrator: Same as for Certificate
18 of Appropriateness (Section 356(c)).

19 (4) Alteration of a Contributory Building located outside a Conservation District from
20 which no TDR has been transferred and no issuance of a permit pursuant to Sections 1111
21 through 1111.6: \$25.

22 (5) Significant or Contributory Building Demolition: \$670. This fee shall be in
23 addition to any fee otherwise required for permits to alter or demolish. However, applications
24 to demolish a Contributory Building located outside a Conservation District from which no
25

1 TDR has been transferred or a Category V Building in a Conservation District from which no
2 TDR has been transferred are subject only to the demolition fee contained in Section 355(b).

3 (6) Statement of Eligibility: \$500.

4 (7) Certificate of Transfer, Execution: \$264.

5 (8) Certification of Transfer of TDR: \$500.

6 SEC. 354. ENVIRONMENTAL REVIEW.

7 See Administrative Code, Section ~~31.46B~~ 31.21 et seq. for fees.

8 SEC. 355. PERMIT APPLICATIONS.

9 (a) Building permit applications for a new building, change in use or alter the
10 exterior of an existing building, to be collected by Central Permit Bureau; provided, however,
11 that the fees charged for Planning Department approval at the Construction Services Center
12 for the replacement of windows and doors shall be reduced to ½ the fee set forth below.

13	Estimated Construction Cost	Initial Fee
14	\$500 or less	\$50
15	\$501 to \$1,999	\$50 plus 10% of cost over \$500
16	\$2,000 to \$9,999	\$200 plus 2% of cost over \$2,000
17	\$10,000 to \$99,999	\$360 plus .45% of cost over \$10,000
18	\$100,000 to \$499,999	\$765 plus .35% of cost over \$100,000
19	\$500,000 to \$4,999,999	\$2,165 plus .27% of cost over \$500,000
20	\$5,000,000 or more	\$14,315
21	No construction cost	\$190 plus time and materials in excess
22		of fee paid, total charge not to exceed five
23		times the initial fee, without providing an
24		estimate of cost.
25		

1 (1) Applications with Verified Violations of this Code: Time and materials as set forth
2 in Section 350(c).

3 (2) Back-Check Fee for Permit Revisions: \$71 for first hour of staff time plus time
4 and materials as set forth in Section 350(c), to be collected at time of permit issuance.

5 (3) Shadow Fee for New Construction or Alteration Exceeding 40 Feet in Height
6 (Section 295): Additional \$200 plus time and materials as set forth in Section 350(c).

7 (4) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section
8 311: \$40 for first hour of staff time, plus time and materials as set forth in Section 350(c).

9 (5) For projects with a construction cost of \$5,000,000 or more, the applicant shall
10 be charged the permit fee for a project with a \$5,000,000 construction cost.

11 (b) Demolition Applications, to be Collected by Central Permit Bureau: \$400.

12 (c) Fire, Police and Health Department Permit Applications Review: \$45 for first
13 hour of staff time plus time and materials to be collected by the other departments in
14 conjunction with current fee collections, time and materials not to exceed five times the initial
15 fee without providing an estimate of cost.

16 (d) Sign Applications, to be Collected by Central Permit Bureau: \$90.

17 SEC. 356. PRESERVATION APPLICATIONS. (Article 10).

18 (a) Landmark: \$250.

19 (b) Amendment, Rescission or Designation of Historical District: \$1,000 plus time
20 and materials in excess of fee paid.

21 (c) Certificate of Appropriateness:

22 Estimated Construction Cost	Fee	
23 Less than \$1,000	\$200	<u>\$234</u>
24 \$1,000 to \$9,999	\$400	<u>\$468</u>
25 \$10,000 or more	<i>Conditional Use Fee Schedule (Section 352(a))</i>	

1	<u>\$10,000 to \$999,999</u>	<u>\$468 plus .54% of cost over \$10,000</u>
2	<u>\$1,000,000 to \$4,999,999</u>	<u>\$5,804 plus .64% of cost over \$1,000,000</u>
3	<u>\$5,000,000 to \$9,999,999</u>	<u>\$31,564 plus .54% of cost over \$5,000,000</u>
4	<u>\$20,000,000 or more</u>	<u>\$86,614</u>

5 (d) Determination that a building is a compatible rehabilitation or a compatible
6 replacement building, pursuant to Section 309 or 1109: Same as for Conditional Use (Section
7 352(a)).

8 (e) Processing and administering an application for an historical properties contract
9 under the California Mills Act, California Government Code Sections 50280—50290: \$322 for
10 first four hours of staff time plus time and materials as set forth in Section 350(c).

11 SEC. 357. TRANSPORTATION REVIEW ASSOCIATED WITH PROJECT
12 APPLICATIONS.

13 Transportation Study: \$5,680 plus time and materials as set forth in Section 350(a).

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 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 PLUS .41% of the cost over \$10,000;

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1 — Where said total estimated construction cost is \$200,000 or more, but less than
2 \$1,000,000: \$1,730 PLUS .31 % 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 PLUS .26% 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 PLUS .08% 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 PLUS .03% 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 PLUS .007% of the cost over \$50,000,000;

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

13 — Where there is no construction cost: \$950; plus time and materials as set forth
14 in 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 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 \$200,000: \$16,000;

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

25

1 — Where said total estimated construction cost is \$1,000,000 or more, but less
2 than \$10,000,000: \$19,187 PLUS .27% 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 PLUS .11% 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 PLUS .03% 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 PLUS .03% of the cost over \$50,000,000;

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

11 — Where there is no construction cost: \$16,000 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
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

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18 By: _____
19 JUDITH A. BOYAJIAN
20 Deputy City Attorney

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