

## **LEGISLATIVE DIGEST**

[Planning Code - Fees for Certain Permits and Transportation Analysis]

**Ordinance amending the Planning Code and the fees set forth in Ordinance No. 149-16 to clarify the fees applicable to projects with no or very low construction cost and to change the fees for transportation analysis; and affirming the Planning Department's determination under the California Environmental Quality Act, making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

### Existing Law

The Board of Supervisors enacted Ordinance No. 149-16 establishing certain administrative fees to pay for the cost of processing Planning permit applications. Ordinance No. 149-16 also authorized the Controller to adjust the fees each year to reflect changes in the two-year average Consumer Price Index (CPI) change for the San Francisco/San Jose Primary Metropolitan Area (PMSA). The Planning Department publishes the Fee Schedule showing the current fee amounts inclusive of annual adjustments in an Appendix to the Planning Code, and posts it on the Planning Department's website. Among other things, Ordinance No. 149-16 provides a baseline fee for a Transportation Study, plus time and materials. A fee is also charged for SFMTA review of the Study.

The Ordinance also includes a number of fees for conditional use permits, variances, Downtown District and Coastal Zone permit review, Preservation application fees and Building permit application fees, where the text of Ordinance No. 149-16 provides that the amount of the fee shall not exceed 50% of the cost of construction, but the fee amount itself that is shown may exceed the stated cost of construction.

### Amendments to Current Law

This legislation would provide 2 different fees for 2 kinds of Transportation Studies. First, a Transportation Study fee is established for a study that would address more complicated transportation analyses, including several transportation topics within a geographic area that extends beyond the project block. Second, a site circulation review fee is established for less complex studies that would address more limited, localized analysis of a few transportation topics. There would be no separate fee for SFMTA review of a transportation study.

The proposed legislation also clarifies that in most cases fees would not exceed 50% of the cost of construction, except that the fee could exceed 50% of construction costs for certain enumerated permits that may have lower construction costs. This change does not alter the amount of the fee, but addresses an apparent inconsistency between the text and the table setting forth the actual fees.