

1 [Fee Schedule Amendments.]

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3 **Ordinance amending the San Francisco Administrative Code by amending Chapter 31,**
4 **Article IV to increase fees for services, and making environmental findings.**

5 Note: Additions are *single-underline italics Times New Roman*;
6 deletions are *strikethrough italics Times New Roman*.
7 Board amendment additions are double underlined.
8 Board amendment deletions are ~~strikethrough normal~~.

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

9 Section 1. Findings. The Planning Department has determined the proposed fee
10 increases to be exempt from the requirements of the California Environmental Quality Act
11 (CEQA) pursuant to CEQA Guidelines Section 15273(a), which exempts rates, tolls, fares and
12 charges, such as those proposed herein.

13 Section 2. The San Francisco Administrative Code is hereby amended by amending
14 Chapter 31, Article IV, to read as follows:

15 SEC. 31.21. ALLOCATION OF COSTS.

16 (a) The costs of initial evaluations, preparation of environmental impact reports,
17 notices, hearings and other aspects of administering this Chapter 3.1 shall be borne as
18 follows:

19 (1) For a project to be carried out by the City: By the board, commission or
20 department that is to carry out such project, as part of the budgeted project costs.

21 (2) For a project to be carried out by any person other than the City: By such
22 person.

23 (3) For the taking of an appeal to the Planning Commission: By the appellant.

24 SEC. 31.22. BASIC FEES.

25

1 (a) The following basic fees shall be charged by the Planning Department, as
2 specified in Section 31.19 above:

3 (1) For an initial study of a project excluding use of special expertise or technical
4 assistance, as described in Section 31.21 below, the initial fee shall be:

5 — Where the total estimated construction cost as defined by the San Francisco
6 Building Code is less than \$10,000: ~~\$950~~ \$1,045;

7 — Where said total estimated construction cost is \$10,000 or more, but less than
8 \$200,000: ~~\$950~~ \$1,045 PLUS ~~.41%~~ .451% of the cost over \$10,000;

9 — Where said total estimated construction cost is \$200,000 or more, but less than
10 \$1,000,000: ~~\$1,730~~ \$1,903 PLUS ~~.31%~~ .341% of the cost over \$200,000;

11 — Where said total estimated construction cost is \$1,000,000 or more, but less
12 than \$10,000,000: ~~\$4,248~~ \$4,673 PLUS ~~.26%~~ .286% of the cost over \$1,000,000;

13 — Where said total estimated construction cost is \$10,000,000 or more, but less
14 than \$30,000,000: ~~\$27,647~~ \$30,413 PLUS ~~.08%~~ .088% of the cost over \$10,000,000;

15 — Where said total estimated construction cost is \$30,000,000 or more, but less
16 than \$50,000,000: ~~\$44,067~~ \$48,474 PLUS ~~.03%~~ .033% of the cost over \$30,000,000;

17 — Where said total estimated construction cost is \$50,000,000 or more, but less
18 than \$100,000,000: ~~\$49,540~~ \$ 55,074 PLUS ~~.007%~~ .0077% of the cost over \$50,000,000;

19 — Where said total estimated construction cost is \$100,000,000 or more: ~~\$53,189~~
20 \$58,924 PLUS ~~.003%~~ .0033% of the cost over \$100,000,000.

21 — Where there is no construction cost: ~~\$950~~ \$1,045; plus time and materials as set
22 forth in subsection (b)(2).

23 An applicant proposing significant revisions to a project for which an application is on
24 file with the Planning Department shall be charged time and materials to cover the full costs in
25

1 excess of the fee paid, total charge not to exceed three times the initial fee without providing
2 an estimate of cost.

3 (2) For preparation of an environmental impact report excluding use of special
4 expertise or technical assistance, as described in Section 31.21 below, the initial fee shall be:

5 — Where the total estimated construction cost as defined in the San Francisco
6 Building Code is less than \$200,000: ~~\$16,000~~ \$17,600;

7 — Where said total estimated construction cost is \$200,000 or more, but less than
8 \$1,000,000: ~~\$16,000~~ \$17,600 PLUS ~~.4%~~ .44% of the cost over \$200,000;

9 — Where said total estimated construction cost is \$1,000,000 or more, but less
10 than \$10,000,000: ~~\$19,187~~ \$21,120 PLUS ~~.27%~~ .297% of the cost over \$1,000,000;

11 — Where said total estimated construction cost is \$10,000,000 or more, but less
12 than \$30,000,000: ~~\$43,514~~ \$47,865 PLUS ~~.11%~~ .121% of the cost over \$10,000,000;

13 — Where said total estimated construction cost is \$30,000,000 or more, but less
14 than \$50,000,000: ~~\$64,854~~ \$72,065 PLUS ~~.03%~~ .033% of the cost over \$30,000,000;

15 — Where said total construction cost is \$50,000,000 or more, but less than
16 \$100,000,000: ~~\$70,328~~ \$78,665 PLUS ~~.03%~~ .033% of the cost over \$50,000,000;

17 — Where said total estimated construction cost is \$100,000,000 or more: ~~\$84,554~~
18 \$95,165 PLUS ~~.01%~~ .011% of the cost over \$100,000,000.

19 — Where there is no construction cost: ~~\$16,000~~ \$17,600 plus time and materials as
20 set forth in Subsection (b)(2).

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

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

3 (3) For an appeal to the Planning Commission: The fee shall be ~~\$200~~ \$220 to the
4 appellant, and an additional fee shall be paid by the project sponsor based on the time and
5 materials the Planning Department expends in responding to the appeal; provided, however,
6 that this additional fee shall not exceed three times the cost of the initial evaluation as set forth
7 in Paragraph (1) above without providing an estimate of costs.

8 (4) For preparation of an addendum to an environmental impact report that has
9 previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: ~~\$5,000~~
10 \$5,500.

11 (5) For preparation of a supplement to a draft or certified final environmental impact
12 report: One-half of the fee that would be required for a full environmental impact report on the
13 same project, as set forth in Paragraph (2) above.

14 (6) For reevaluation of a modified project for which a negative declaration has been
15 prepared: ~~\$500~~ \$550 plus time and materials as set forth in Subsection (b)(2).

16 (7) For preparation of a Certificate of Exemption from Environmental Review
17 determining that a project is categorically exempt, statutorily exempt, ministerial/nonphysical,
18 an emergency, or a planning and feasibility study: ~~\$150~~ \$314 plus time and materials as set
19 forth in Subsection (b)(2).

20 (8) For preparation of a letter of exemption from environmental review: ~~\$65~~ \$136
21 *plus time and materials as set forth in Subsection (b)(2)*.

22 (9) For reactivating an application that the Environmental Review Officer has
23 deemed withdrawn due to inactivity and the passage of time, subject to the approval of the
24 Environmental Review Officer and within six months of the date the application was deemed
25 withdrawn: ~~\$1,000~~ \$1,100 plus time and materials to cover any additional staff costs, total

1 charge not to exceed twice the initial fee for the original application without providing an
2 estimate of cost.

3 (10) For an appeal to the Board of Supervisors of certification of EIR. Appellant shall
4 pay ~~two hundred nine dollars (\$209.00)~~ to the Board of Supervisors two hundred thirty dollars
5 (\$230.00) for an appeal to the Board of the Planning Commission's certification of an EIR ~~to the~~
6 ~~Board~~ and an additional fee to the Planning Department shall be paid by the project sponsor based on
7 the time and materials the Planning Department expends in responding to the appeal; provided,
8 however, that this additional fee shall not exceed three times the cost of the initial evaluation without
9 providing an estimate of costs. ~~Such~~ The \$230.00 appeal fee shall be used to defray the cost of
10 producing the EIR for the Board as well as the cost of Planning Department staff time. Such
11 appeal fee shall be refunded to the appellant in the event the Board of Supervisors remands
12 the environmental impact report to the Planning Commission for revisions based upon the
13 same specific issues related to the adequacy and accuracy of the final EIR stated in the
14 appeal.

15 (11) For an appeal to the Board of Supervisors of a Final Negative Declaration. Appellant
16 shall pay two hundred thirty dollars (\$230.00) to the Board of Supervisors for an appeal to the Board
17 of a Final Negative Declaration issued by the Planning Department, and an additional fee shall be paid
18 to the Planning Department by the project sponsor based on the time and materials the Planning
19 Department expends in responding to the appeal; provided, however, that this additional fee shall not
20 exceed three times the cost of the initial evaluation without providing an estimate of costs. ~~Such~~ The
21 \$230.00 appeal fee shall be used to defray the cost of producing the Negative Declaration for the
22 Board as well as the cost of Planning Department staff time. ~~The~~ Such appeal fee shall be refunded to
23 the appellant in the event the Board remands the Negative Declaration to the Planning Commission for
24 revisions based upon the same specific issues related to the adequacy and accuracy of the Final
25 Negative Declaration stated in the appeal.

1 (12) For an appeal to the Board of Supervisors of a Categorical or Statutory Exemption.
2 Appellant shall pay two hundred thirty dollars (\$230.00) to the Board of Supervisors for an appeal to
3 the Board of a Categorical or Statutory Exemption issued by the Planning Department, and an
4 additional fee shall be paid to the Planning Department by the project sponsor based on the time and
5 materials the Planning Department expends in responding to the appeal; provided, however, that this
6 additional fee shall not exceed three times the cost of the initial evaluation without providing an
7 estimate of costs. ~~Such~~ The \$230.00 appeal-fee shall be used to defray the cost of producing the
8 Category or Statutory Exemption for the Board as well as the cost of Planning Department staff time.
9 The ~~Such~~ appeal fee shall be refunded to the appellant in the event the Board remands the Categorical
10 or Statutory Exemption to the Planning Department for revisions based upon the same specific issues
11 related to the adequacy and accuracy of the Categorical or Statutory Exemption stated in the appeal.

12 (13) For an appeal to the Board of Supervisors of an Addendum. Appellant shall pay two
13 hundred thirty dollars (\$230.00) to the Board of Supervisors for an appeal to the Board of an
14 Addendum issued by the Planning Department, and an additional fee shall be paid to the Planning
15 Department by the project sponsor based on the time and materials the Planning Department expends
16 in responding to the appeal; provided, however, that this additional fee shall not exceed three times the
17 cost of the initial evaluation without providing an estimate of costs. ~~Such~~ The \$230.00 appeal fee
18 shall be used to defray the cost of producing the Addendum for the Board as well as the cost of
19 Planning Department staff time. ~~The~~ Such appeal fee shall be refunded to the appellant in the event
20 the Board remands the Addendum to the Planning Department for revisions based upon the same
21 specific issues related to the adequacy and accuracy of the Addendum stated in the appeal.

22 (b) Payment.

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

1 (a)(2) shall be paid at the time the preliminary draft environmental impact report 1 (PDEIR 1)
2 is prepared, except as specified below. However, the Director of Planning may authorize
3 phased collection of the fee for a project whose work is projected to span more than one fiscal
4 year.

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

10 (3) Any fraternal, charitable, benevolent or any other nonprofit organization, which
11 organization is exempt from taxation under the Internal Revenue laws of the United States
12 and the Revenue and Taxation Code of the State of California as a bona fide fraternal,
13 charitable, benevolent or other nonprofit organization, may defer payment of the fees
14 specified herein, with the exception of the fees payable pursuant to Section 31.22(a)(3) and
15 Section 31.22(a)(10) herein, until the time of issuance of the building permit, before the
16 building permit is released to the applicant; or (2) within one year of the date of completion of
17 the environmental review document, whichever is sooner, provided that the application is for
18 the development of residential units all of which units are affordable to low and moderate
19 income households, as defined in the Guidelines of the United States Housing and Urban
20 Development Department, for a period of 20 years, which exemption shall apply
21 notwithstanding the inclusion in the development of other nonprofit ancillary or accessory
22 uses.

23 (4) An exemption from paying the full fees set forth in Section 31.22(a)(3) and
24 Section 31.22(a)(10) herein may be granted when the requestor's income is not enough to
25 pay the fee without affecting his or her abilities to pay for the necessities of life, provided that

1 the person seeking the exemption demonstrates to the Environmental Review Officer that he
2 or she is substantially affected by the proposed project.

3 (5) Exceptions to the payment provisions noted above may be made when the
4 Environmental Review Officer has authorized phased collection of the fee for a project whose
5 work is projected to span more than one fiscal year.

6 (c) Refunds. When a request for an initial evaluation or for preparation of an
7 environmental impact report is (1) either withdrawn by the applicant prior to publication of an
8 environmental document or (2) deemed canceled by the Planning Department due to inactivity
9 on the part of the applicant, then the applicant shall be entitled to a refund of the fees paid to
10 the Department less the time and materials expended minus a ~~\$200~~ \$220 processing fee.

11 (d) Late Charges and Collection of Overdue Accounts. A surcharge of one percent
12 per month shall be added to the fee amount owing the Department for fee accounts in arrears
13 more than 30 days. The Zoning Administrator may call upon other City agencies or duly
14 licensed collection agencies for assistance in collecting delinquent accounts more than six
15 months in arrears, in which case any additional costs of collection may be added to the fee
16 amount outstanding. If the Department seeks the assistance of a duly licensed collection
17 agency, the approval procedures of Administrative Code Article 5, Section 10.39-1 et seq. will
18 be applicable.

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

22 SEC. 31.23. OTHER FEES.

23 (a) Where an initial evaluation or preparation of an environmental impact report and
24 related environmental studies require the use of special expertise or technical assistance not
25 provided by the board, commission, department or other person who is to carry out the

1 project, such expertise or assistance shall be paid for by such board, commission, department
2 or other person. This payment shall be made either to the Planning Department or, if the
3 Planning Department so requests, directly to the party that will provide such expertise or
4 technical assistance.

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

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

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

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14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

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

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