

1 [Fee Adjustments.]
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3 **Ordinance amending the San Francisco Planning Code by amending Article 3.5 to**
4 **adjust fees for Planning Department 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 adjustments 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 here.

13 Section 2. The San Francisco Planning Code is hereby amended by amending Article
14 3.5, to read as follows:

15 SEC. 350. FEES, GENERAL.

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

1 Section 306.7; providing transportation review associated with project applications, providing
2 policy and code review and interpretation, Zoning Administrator written determinations
3 pursuant to Section 307(a), research, document retrieval and technical reports, Planning
4 Commission and Landmarks Preservation Advisory Board agendas, and notification of project
5 applications. Fees shall be charged and collected as indicated for each class of application,
6 permit, filing request or activity listed in Sections 351 through 357 below.

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

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

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

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

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

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

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

3 (d) Refunds. When an application is withdrawn by the applicant prior to a public
4 hearing, or deemed canceled by the Planning Department due to inactivity on the part of the
5 applicant then the applicant shall be entitled to a refund of the fee paid to the Department less
6 the time and materials expended minus a \$200 processing fee.

7 (e) Deferred or Reduced Fee.

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

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

1 SEC. 351. MISCELLANEOUS SERVICES.

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

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

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

10 (d) Information, Analysis, Report Preparation and Presentation, Research Services,
11 Data Requests, Site Inspections: The costs of report preparation may be amortized by
12 factoring full-cost recovery into the pricing of such information and reports: ~~\$65~~ \$100 for first
13 hour of staff time, plus time and materials as set forth in Section 350(c).

14 (e) Monitoring Projects:

15 (1) Monitoring Conditions of Approval and Mitigation Measures Established
16 Pursuant to an Environmental Document or a Public Hearing by the Planning Commission or
17 Zoning Administrator for All Approved Applications in Chapter 31 of the Administrative Code
18 or Sections 352(a) and (i), 353(a) and (b) and 355: ~~\$71~~ \$100 for first hour of staff time plus
19 time and materials as set forth in Section 350(c). This fee shall supersede project monitoring
20 fees under prior Section 352(g)(1) unless required as a condition of approval by the Planning
21 Commission. For monitoring required subsequent to the time of permit issuance or where no
22 permit is required, the fee will be charged and collected by the Department.

23 (f) Project Review for Policy and Code Review and Interpretation for Prospective
24 Projects for which an Application has not been Filed, and Site-Specific Design Guidelines and
25

1 Code-Complying Massing Recommendations: ~~\$100~~ \$200 for first two hours of staff time, plus
2 time and materials as set forth in Section 350(c).

3 (g) Project Notifications for an Individual or Organization Requesting Notification of
4 Project Applications:

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

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

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

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

15 SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING
16 APPLICATIONS.

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

Estimated Construction Cost	Initial Fee
Less than \$9,999	\$704
\$10,000 to \$999,999	\$704 plus .324% of cost over \$10,000
\$1,000,000 to \$4,999,999	\$3,911 plus .387% of cost over \$1,000,000
\$5,000,000 to \$9,999,999	\$19,391 plus .324% of cost over \$5,000,000
\$10,000,000 to \$19,999,999	\$35,591 plus .169% of cost over \$10,000,000

1	\$20,000,000 or more	\$52,491
2	No construction cost	\$704
3	(b) Variance (Section 305)	
4	Estimated Construction Cost	Initial Fee
5	Less than \$9,999	\$601
6	\$10,000 to \$999,999	\$601 plus .277% of cost over \$10,000
7	\$1,000,000 to \$4,999,999	\$3,343 plus .331% of cost over \$1,000,000
8	\$5,000,000 to \$9,999,999	\$16,583 plus .277% of cost over \$5,000,000
9	\$10,000,000 to \$19,999,999	\$30,433 plus .145% of cost over \$10,000,000
10	\$20,000,000 or more	\$44,933
11	No construction cost	\$601

12 (c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section
13 330) Applications Commission Hearing Fee Schedule:

14	Estimated Construction Cost	Initial Fee
15	Less than \$9,999	\$356
16	\$10,000 to \$999,999	\$356 plus .164% of cost over \$10,000
17	\$1,000,000 to \$4,999,999	\$1,979 plus .196% of cost over \$1,000,000
18	\$5,000,000 to \$9,999,999	\$9,819 plus .164% of cost over \$5,000,000
19	\$10,000,000 to \$19,000,000	\$18,019 plus .086% of cost over \$10,000,000
20	\$20,000,000 or more	\$26,619
21	No construction cost	\$356

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

24 (2) Where an applicant requests two or more approvals involving a conditional use,
25 planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of

1 appropriateness, permit to alter a significant or contributory building both within and outside of
2 Conservation Districts, or a coastal zone permit review, the amount of the second and each
3 subsequent initial fees shall be reduced to 50 percent plus time and materials as set forth in
4 Section 350(c). This subsection shall not apply to Section 309(a) exceptions (Section 353(a)).

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

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

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

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

20 (d) Discretionary Review Request: \$187.50 for the first three hours of staff time as set
21 forth in Section 350(c). Mandatory discretionary reviews: \$2,183.

22 (e) Institutional Master Plan (Section 304.5).

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

1 (2) Abbreviated Institutional Master Plan: \$650 *plus time and materials for first 10*
2 *hours of staff time* as set forth in Section 350(c).

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

7 (g) General Plan Referrals: \$300 for first three hours of staff time plus time and
8 materials for each subsequent hour of staff time, as set forth in Section 350(c). Total charge
9 not to exceed \$1,500, without providing an estimate of cost.

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

15 (i) Reclassify Property or Impose Interim Zoning Controls \$8,878.

16 (1) The applicant shall be charged for any time and materials as set forth in Section
17 350(c).

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

20 (j) Setback Line, Establish, Modify or Abolish: \$1,500.

21 (k) Temporary Use Fees: ~~\$71~~ \$100 for first hour of staff time plus time and materials
22 as set forth in Section 350(c).

23 (l) Amendments to Text of the Planning Code: \$21,787 plus time and materials as
24 set forth in Section 350(c).

1 (m) Initiation of Residential Conservation Controls by neighborhood groups and associations:

2 \$6,200 for each initiation.

3 (n) 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(c)(2).

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

11 (c) Office Development Limitation Projects (Sections 320 through 323): \$3,160 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:
15 \$1,686.

16 (2) Conservation District, Designation or Change of Boundary: \$1,686.

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

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

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

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: \$1,130.

4 (7) Certificate of Transfer, Execution: \$277.

5 (8) Certification of Transfer of TDR: \$1,250.

6 SEC. 354. ENVIRONMENTAL REVIEW.

7 See Administrative Code, Section 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 \$190 plus \$51 Discretionary Review 15 Surcharge
16 \$501 to \$1,999	\$50 \$190 plus 10% of cost over \$500 plus \$51 17 Discretionary Review Surcharge
18 \$2,000 to \$9,999	\$200 plus 2% of cost over \$2,000 plus \$51 19 Discretionary Review Surcharge
20 \$10,000 to \$99,999	\$360 plus .45% of cost over \$10,000 plus \$51 21 \$91 Discretionary Review Surcharge
22 \$100,000 to \$499,999	\$765 plus .35% of cost over \$100,000 plus 23 \$51 \$91 Discretionary Review Surcharge
24 \$500,000 to \$4,999,999	\$2,165 plus .27% of cost over \$500,000 plus 25 \$91 \$51 Discretionary Review Surcharge

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

2 (a) Landmark: \$250.

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

5 (c) Certificate of Appropriateness:

6 Estimated Construction Cost	7 Fee
8 Less than \$1,000	\$234
9 \$1,000 to \$9,999	\$468
10 \$10,000 to \$999,999	\$468 plus .539% of cost over \$10,000
11 \$1,000,000 to \$4,999,999	\$5,804 plus .644% of cost over \$1,000,000
12 \$5,000,000 to \$9,999,999	\$31,564 plus .539% of cost over \$5,000,000
13 \$10,000,000 to \$19,999,999	\$58,514 plus .281% of cost over \$10,000,000
14 \$20,000,000 or more	\$86,614
15 No construction cost	\$234

16 (d) Determination that a building is a compatible rehabilitation or a compatible
17 replacement building, pursuant to Section 309 or 1109: Same as for Conditional Use (Section
18 352(a)).

19 (e) Processing and administering an application for an historical properties contract
20 under the California Mills Act, California Government Code Sections 50280—50290: \$4,135
21 for first four hours of staff time plus time and materials as set forth in Section 350(c).

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1 SEC. 357. TRANSPORTATION REVIEW ASSOCIATED WITH PROJECT
2 APPLICATIONS.

3 Transportation Study: \$17,686 plus time and materials as set forth in Section 350(a).
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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 JUDITH A. BOYAJIAN
9 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 040955

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to adjust fees for Planning Department services; and making environmental findings.

August 17, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

Absent: 1 - Alioto-Pier

September 14, 2004 Board of Supervisors — FINALLY PASSED

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

File No. 040955

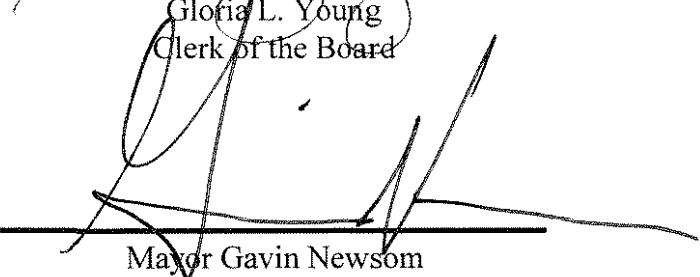
I hereby certify that the foregoing Ordinance was FINALLY PASSED on September 14, 2004 by the Board of Supervisors of the City and County of San Francisco.

SEP 23 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom