

1 [Fee Schedule Amendments.]

2

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

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

11 SEC. 31.21. ALLOCATION OF COSTS.

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

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

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

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

20 SEC. 31.22. BASIC FEES.

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

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

25

- 1           —     Where the total estimated construction cost as defined by the San Francisco  
2 Building Code is less than \$10,000: ~~\$950~~ \$1,045;
- 3           —     Where said total estimated construction cost is \$10,000 or more, but less than  
4 \$200,000: ~~\$950~~ \$1,045 PLUS ~~.41%~~ .451% of the cost over \$10,000;
- 5           —     Where said total estimated construction cost is \$200,000 or more, but less than  
6 \$1,000,000: ~~\$1,730~~ \$1,903 PLUS ~~.31%~~ .341% of the cost over \$200,000;
- 7           —     Where said total estimated construction cost is \$1,000,000 or more, but less  
8 than \$10,000,000: ~~\$4,248~~ \$4,673 PLUS ~~.26%~~ .286% of the cost over \$1,000,000;
- 9           —     Where said total estimated construction cost is \$10,000,000 or more, but less  
10 than \$30,000,000: ~~\$27,647~~ \$30,413 PLUS ~~.08%~~ .088% of the cost over \$10,000,000;
- 11          —     Where said total estimated construction cost is \$30,000,000 or more, but less  
12 than \$50,000,000: ~~\$44,067~~ \$48,474 PLUS ~~.03%~~ .033% of the cost over \$30,000,000;
- 13          —     Where said total estimated construction cost is \$50,000,000 or more, but less  
14 than \$100,000,000: ~~\$49,540~~ \$55,074 PLUS ~~.007%~~ .0077% of the cost over \$50,000,000;
- 15          —     Where said total estimated construction cost is \$100,000,000 or more: ~~\$53,189~~  
16 \$58,924 PLUS ~~.003%~~ .0033% of the cost over \$100,000,000.
- 17          —     Where there is no construction cost: ~~\$950~~ \$1,045; plus time and materials as set  
18 forth in subsection (b)(2).

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

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

25

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

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

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

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

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

11           —       Where said total construction cost is \$50,000,000 or more, but less than  
12 \$100,000,000: ~~\$70,328~~ \$78,665 PLUS ~~.03%~~ .033% of the cost over \$50,000,000;

13           —       Where said total estimated construction cost is \$100,000,000 or more: ~~\$84,554~~  
14 \$95,165 PLUS ~~.01%~~ .011% of the cost over \$100,000,000.

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

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

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

23           (3)       For an appeal to the Planning Commission: The fee shall be ~~\$200~~ \$220 to the  
24 appellant, and an additional fee shall be paid by the project sponsor based on the time and  
25 materials the Planning Department expends in responding to the appeal; provided, however,

1 that this additional fee shall not exceed three times the cost of the initial evaluation as set forth  
2 in Paragraph (1) above without providing an estimate of costs.

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

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

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

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

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

17 (9) For reactivating an application that the Environmental Review Officer has  
18 deemed withdrawn due to inactivity and the passage of time, subject to the approval of the  
19 Environmental Review Officer and within six months of the date the application was deemed  
20 withdrawn: ~~\$1,000~~ \$1,100 plus time and materials to cover any additional staff costs, total  
21 charge not to exceed twice the initial fee for the original application without providing an  
22 estimate of cost.

23 (10) For an appeal to the Board of Supervisors of certification of EIR. Appellant shall  
24 pay ~~two hundred nine dollars (\$209.00)~~ to the Board of Supervisors two hundred thirty dollars  
25 (\$230.00) for an appeal to the Board of the Planning Commission's certification of an EIR ~~to the~~

1 ~~Board~~ and an additional fee to the Planning Department shall be paid by the project sponsor based on  
2 the time and materials the Planning Department expends in responding to the appeal; provided,  
3 however, that this additional fee shall not exceed three times the cost of the initial evaluation without  
4 providing an estimate of costs. ~~Such~~ The appeal fee shall be used to defray the cost of producing  
5 the EIR for the Board as well as the cost of Planning Department staff time. Such fee shall be  
6 refunded to the appellant in the event the Board of Supervisors remands the environmental  
7 impact report to the Planning Commission for revisions based upon the same specific issues  
8 related to the adequacy and accuracy of the final EIR stated in the appeal.

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

20 (12) For an appeal to the Board of Supervisors of a Categorical or Statutory Exemption.  
21 Appellant shall pay two hundred thirty dollars (\$230.00) to the Board of Supervisors for an appeal to  
22 the Board of a Categorical or Statutory Exemption issued by the Planning Department, and an  
23 additional fee shall be paid to the Planning Department by the project sponsor based on the time and  
24 materials the Planning Department expends in responding to the appeal; provided, however, that this  
25 additional fee shall not exceed three times the cost of the initial evaluation without providing an

1 estimate of costs. Such fee shall be used to defray the cost of producing the Category or Statutory  
2 Exemption for the Board as well as the cost of Planning Department staff time. The appeal fee shall be  
3 refunded to the appellant in the event the Board remands the Categorical or Statutory Exemption to the  
4 Planning Department for revisions based upon the same specific issues related to the adequacy and  
5 accuracy of the Categorical or Statutory Exemption stated in the appeal.

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

16 (b) Payment.

17 (1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department  
18 at the time of the filing of the environmental evaluation application, and where an  
19 environmental impact report is determined to be required, the fee specified in Subsection  
20 (a)(2) shall be paid at the time the preliminary draft environmental impact report 1 (PDEIR 1)  
21 is prepared, except as specified below. However, the Director of Planning may authorize  
22 phased collection of the fee for a project whose work is projected to span more than one fiscal  
23 year.

24 (2) The Planning Department shall charge the applicant for any time and material  
25 costs incurred in excess of the fee paid where authorized above. The total additional charge

1 shall not exceed two times the initial fee paid without providing an estimate of cost. Provided,  
2 however, that where a different limitation on time and materials is set forth elsewhere in this  
3 Section, that limitation shall prevail.

4 (3) 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, may defer payment of the fees  
8 specified herein, with the exception of the fees payable pursuant to Section 31.22(a)(3) and  
9 Section 31.22(a)(10) herein, until the time of issuance of the building permit, before the  
10 building permit is released to the applicant; or (2) within one year of the date of completion of  
11 the environmental review document, whichever is sooner, provided that the application is for  
12 the development of residential units all of which units are affordable to low and moderate  
13 income households, as defined in the Guidelines of the United States Housing and Urban  
14 Development Department, for a period of 20 years, which exemption shall apply  
15 notwithstanding the inclusion in the development of other nonprofit ancillary or accessory  
16 uses.

17 (4) An exemption from paying the full fees set forth in Section 31.22(a)(3) and  
18 Section 31.22(a)(10) herein may be granted when the requestor's income is not enough to  
19 pay the fee without affecting his or her abilities to pay for the necessities of life, provided that  
20 the person seeking the exemption demonstrates to the Environmental Review Officer that he  
21 or she is substantially affected by the proposed project.

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

25

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

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

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

17 SEC. 31.23. OTHER FEES.

18 (a) Where an initial evaluation or preparation of an environmental impact report and  
19 related environmental studies require the use of special expertise or technical assistance not  
20 provided by the board, commission, department or other person who is to carry out the  
21 project, such expertise or assistance shall be paid for by such board, commission, department  
22 or other person. This payment shall be made either to the Planning Department or, if the  
23 Planning Department so requests, directly to the party that will provide such expertise or  
24 technical assistance.



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

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

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

9  
10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12  
13 By: \_\_\_\_\_  
14 JUDITH A. BOYAJIAN  
15 Deputy City Attorney  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25