

FILE NO. 050917

ORDINANCE NO. 175-05

[Planning Department fee increases and permit surcharge to cover costs of appeals to the Board of Supervisors.]

Ordinance amending the San Francisco Planning Code by amending Sections 352 and 355 and by amending the San Francisco Administrative Code by amending Section 31.22 to increase planning fees and add a surcharge to compensate the City for the costs of appeals to the Board of Supervisors; making environmental findings.

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

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

Section 1. The San Francisco Planning Department has determined the proposed fees to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15273(a), which exempts rates, tolls, fares and charges such as those proposed here.

Section 2. The San Francisco Planning Code is hereby amended by amending Sections 352, 353, 355 and 356, to read as follows:

SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304), Variance (Section 305), Downtown (C-3) District Review (Section 309) and Coastal Zone 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	\$1,000,000 to \$4,999,999	\$3,911 plus .387% of cost over \$1,000,000
2	\$5,000,000 to \$9,999,999	\$19,391 plus .324% of cost over \$5,000,000
3	\$10,000,000 to \$19,999,999	\$35,591 plus .169% of cost over \$10,000,000
4	\$20,000,000 or more	\$52,491
5	No construction cost	\$704

6 The applicant shall be charged for any time and materials beyond the initial fee paid in Section
7 352(a), as set forth in Section 350(c). A ~~\$309~~ \$111 surcharge shall be added to the fees for a
8 conditional use or planned unit development to compensate the City for the costs of appeals to the
9 Board of Supervisors.

10 (b) Variance (Section 305)

11	Estimated Construction Cost	Initial Fee
12	Less than \$9,999	\$601
13	\$10,000 to \$999,999	\$601 plus .227% of cost over \$10,000
14	\$1,000,000 to \$4,999,999	\$3,343 plus .331% of cost over \$1,000,000
15	\$5,000,000 to \$9,999,999	\$16,583 plus .277% of cost over \$5,000,000
16	\$10,000,000 to \$19,999,999	\$30,433 plus .145% of cost over \$10,000,000
17	\$20,000,000 or more	\$44,933
18	No construction cost	\$601

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

21	Estimated Construction Cost	Initial Fee
22	Less than \$9,999	\$356
23	\$10,000 to \$999,999	\$356 plus .164% of cost over \$10,000
24	\$1,000,000 to \$4,999,999	\$1,979 plus .196% of cost over \$1,000,000

1	\$5,000,000 to \$9,999,999	\$9,819 plus .164% of cost over 5,000,000
2	\$10,000,000 to \$19,999,999	\$18,019 plus .086% of cost over \$10,000,000
3	\$20,000,000 or more	\$26,619
4	No construction cost	\$356

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

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

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

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

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

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

4 (d) Discretionary Review Request: ~~\$187.50~~ \$200.00 for the first three hours of staff
5 time as set forth in Section 350(c). Mandatory discretionary reviews: \$2,183.

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

7 (1) Full Institutional Master Plan or Substantial Revision: \$6,500 plus time and
8 materials as set forth in Section 350(c).

9 (2) Abbreviated Institutional Master Plan: \$650 plus time and materials as set forth
10 in Section 350(c).

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

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

18 (h) Redevelopment Plan Review: The Director of Planning shall prepare a budget to
19 cover actual time and materials expected to be incurred, in consultation with the
20 Redevelopment Agency. A sum equal to 1/2 the expected cost will be submitted to the
21 Department, prior to the commencement of the review. The remainder of the costs will be due
22 at the time the initial payment is depleted.

23 (i) Reclassify Property or Impose Interim Zoning Controls: \$8,878.
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1 (1) The applicant shall be charged for any time and materials as set forth in Section
2 350(c).

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

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

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

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

10 (m) Initiation of Residential Conservation Controls by neighborhood groups and
11 associations: \$6,200 for each initiation.

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

15 SEC. 355. PERMIT APPLICATIONS.

16 (a) Building permit applications for a new building, change in use or alter the
17 exterior of an existing building, to be collected by Central Permit Bureau; provided, however,
18 that the fees charged for Planning Department approval at the Construction Services Center
19 for the replacement of windows and doors shall be reduced to 1/2 the fee set forth below.

20 Estimated Construction Cost	Initial Fee
21 <u>\$0 - \$499</u>	<u>\$190</u>
22 \$500 or less	\$190
23 \$504 <u>\$500</u> to \$1,999	\$190 plus 10% of cost over \$500
24 \$2,000 to \$9,999	\$200 <u>\$340</u> plus 2% of cost over \$2,000

1	\$10,000 to \$99,999	\$360 \$500 <u>\$409</u> plus .45% of cost over \$10,000 plus
2		\$91 Discretionary Review Surcharge
3	\$100,000 to \$499,999	\$765 \$905 <u>\$814</u> plus .35% of cost over \$100,000
4		plus \$91 Discretionary Review Surcharge
5	\$500,000 to \$4,999,999	\$2,165 \$2,305 <u>\$2,214</u> plus .27% of cost over
6	\$500,000 plus	\$91 Discretionary Review Surcharge
7	\$5,000,000 or more	\$14,315 <u>\$14,364</u> plus \$91 Discretionary Review
8		Surcharge
9	No construction cost	\$490 <u>\$99</u> plus time and materials in excess of fee
10		paid, total charge not to exceed five times the initial
11		fee, without providing an estimate of cost plus \$91
12		Discretionary Review Surcharge.

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

15 (2) Back-Check Fee for Permit Revisions: ~~\$74~~ \$100 for first hour of staff time plus
16 time and materials as set forth in Section 350(c), to be collected at time of permit issuance.

17 (3) Shadow Fee for New Construction or Alteration Exceeding 40 Feet in Height
18 (Section 295): Additional \$882 plus time and materials as set forth in Section 350(c).

19 (4) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section
20 311: \$40 for first hour of staff time, plus time and materials as set forth in Section 350(c).

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

23 (6) Permits for solar panels shall be 1/2 the above fee. Over-the-counter permits for
24 solar equipment installation: \$100.00.

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

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

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

7 Section 3. The San Francisco Administrative Code is hereby amended by amending
8 Section 31.22, to read as follows:

9 SEC. 31.22. BASIC FEES.

10 (a) The following basic fees shall be charged by the Planning Department, as
11 specified in Section 31.21 above:

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

14 — Where the total estimated construction cost as defined by the San Francisco
15 Building Code is less than \$10,000: \$950;

16 — Where said total estimated construction cost is \$10,000 or more, but less than
17 \$200,000: \$3,957 PLUS 1.838% of the cost over \$10,000;

18 — Where said total estimated construction cost is \$200,000 or more, but less than
19 \$1,000,000: \$7,449 PLUS 1.390% of the cost over \$200,000;

20 — Where said total estimated construction cost is \$1,000,000 or more, but less
21 than \$10,000,000: \$18,569 PLUS 1.166% of the cost over \$1,000,000;

22 — Where said total estimated construction cost is \$10,000,000 or more, but less
23 than \$30,000,000: \$123,509 PLUS .359% of the cost over \$10,000,000;

1 — Where said total estimated construction cost is \$30,000,000 or more, but less
2 than \$50,000,000: \$195,309 PLUS .135% of the cost over \$30,000,000;

3 — Where said total estimated construction cost is \$50,000,000 or more, but less
4 than \$100,000,000: \$222,309 PLUS .032% of the cost over \$50,000,000;

5 — Where said total estimated construction cost is \$100,000,000 or more:
6 \$238,309 PLUS .014% of the cost over \$100,000,000.

7 — Where there is no construction cost: \$950; plus time and materials as set forth in
8 subsection (b)(2).

9 A ~~\$309~~\$111 surcharge shall be added to the fees in Section 31.22(a) to compensate the City
10 for the costs of appeals to the Board of Supervisors.

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

15 (2) For preparation of an environmental impact report excluding use of special
16 expertise or technical assistance, as described in Section 31.22 below, the initial fee shall be:

17 — Where the total estimated construction cost as defined in the San Francisco
18 Building Code is less than \$200,000: \$21,244;

19 — Where said total estimated construction cost is \$200,000 or more, but less than
20 \$1,000,000: \$21,244 PLUS .532% of the cost over \$200,000;

21 — Where said total estimated construction cost is \$1,000,000 or more, but less
22 than \$10,000,000: \$25,500 PLUS .359% of the cost over \$1,000,000;

23 — Where said total estimated construction cost is \$10,000,000 or more, but less
24 than \$30,000,000: \$57,810 PLUS .147% of the cost over \$10,000,000;

1 — Where said total estimated construction cost is \$30,000,000 or more, but less
2 than \$50,000,000: ~~\$87,204~~ \$87,210 PLUS .040% of the cost over \$30,000,000;

3 — Where said total construction cost is \$50,000,000 or more, but less than
4 \$100,000,000: \$95,210 PLUS .040% of the cost over \$50,000,000;

5 — Where said total estimated construction cost is \$100,000,000 or more:
6 \$115,210 PLUS .014% of the cost over \$100,000,000.

7 — Where there is no construction cost: \$21,244 plus time and materials as set forth
8 in Subsection (b)(2).

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

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

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

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

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

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

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

7 (8) For preparation of a letter of exemption from environmental review: \$65.

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

13 (10) For an appeal of certification of EIR. Appellant shall pay two hundred nine
14 dollars (\$209.00) for an appeal of the Planning Commission's certification of an EIR to the
15 Board. Such fee shall be used to defray the cost of producing the EIR for the Board as well
16 as the cost of Planning Department staff time. Such fee shall be refunded to the appellant in
17 the event the Board of Supervisors remands the environmental impact report to the Planning
18 Commission for revisions based upon the same specific issues related to the adequacy and
19 accuracy of the final EIR stated in the appeal.

20 (b) Payment.

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

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

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

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

1 (e) These amendments to fees related to the Planning Department are intended to
2 provide revenues for the staffing and other support necessary to provide more timely
3 processing of applications within that Department.
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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
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City and County of San Francisco

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

Tails

Ordinance

File Number: 050917

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Sections 352 and 355 and by amending the San Francisco Administrative Code by amending Section 31.22 to increase planning fees and add a surcharge to compensate the City for the costs of appeals to the Board of Supervisors; making environmental findings.

July 12, 2005 Board of Supervisors — CONTINUED

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

July 19, 2005 Board of Supervisors — PASSED ON FIRST READING

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

July 26, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

File No. 050917

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on July 26, 2005 by
the Board of Supervisors of the City and
County of San Francisco.

JUL 29 2005

Date Approved

Kay Sullivan

Gloria L. Young
Clerk of the Board

Gavin Newsom

Mayor Gavin Newsom