

File No. 100724

Committee Item No. 2

Board Item No. 02

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance

Date: July 9, 2010

Board of Supervisors Meeting

Date: 07/27/10

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

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Completed by: Andrea S. Ausberry

Date Friday, July 2, 2010

Completed by: *AS*

Date 7/15/10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Update to Environmental Review Fees to Increase Fees for Cost Recovery, Establish a New Fee for Mitigation and Conditions of Approval Monitoring, and Make Other Clarifying Changes]

Ordinance amending the San Francisco Administrative Code by amending Sections 31.22, 31.23 and ~~31.24~~ 31.23.1 to increase all fees 2.61 percent which is the cost of living adjustment, and an additional 2.04 percent for cost recovery, further increase Categorical Exemption Class 32, Negative Declaration and EIR addendum fees for cost recovery, change the timing of EIR payments, add a new fee for mitigation and condition of approval monitoring, and for the MTA and PUC for Categorical Exemption Certificates, clarify phase collection payments and refund policy, and establish a processing fee for phased payments.

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike-through italics Times New Roman~~.
Board amendment additions are double-underlined;
PBoard amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings. (a) The Planning Department is able to recover the cost of long range planning through its building permit review, CEQA (California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.) review, and land use entitlement fees.

(b) The current fee structure is set to recover a portion of long range planning cost through said fees, but the cost of long range planning, which includes historic preservation survey and designation work, is increasing beyond the annual cost of living adjustment.

(c) It is in the public interest for the private project sponsor to reimburse the City for the benefit he or she derives as a consequence of public supported planning.

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1 Planning Code Section 302, this Board of Supervisors finds that this Ordinance will serve the
2 public necessity, convenience and welfare for the reasons set forth in Planning Commission
3 Resolution No. 11814 and incorporates said Resolution herein by reference. A copy of said
4 resolution is on file with the Clerk of the Board of Supervisors in File No. 100703.

5 (d) Environmental Finding. The Planning Department has determined that the
6 proposed fee adjustments are statutorily excluded from CEQA under the CEQA Guidelines
7 Section 15273(a), which exempts rates, tolls, fares and charges such as those proposed here.
8 Said determination is on file with the Clerk of the Board of Supervisors in File No. 100703 and
9 is incorporated herein by reference.

10 Section 2. The San Francisco Planning Code is hereby amended by amending Section
11 350 to read as follows:

12 **SEC. 350. - FEES, GENERAL.**

13 Fees shall be imposed in order to compensate the Planning Department for the cost of
14 processing applications and for the development and revision of land use controls. Fees shall
15 be charged and collected as indicated for each class of application, permit, filing request or
16 activity listed in Sections 351 through 358 below.

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

18 (b) All fees are payable at time of filing application or request, except where noted
19 otherwise. However, the Director of Planning or his/her designee may authorize phased
20 collection of the fee for a project whose work is projected to span more than one fiscal year. A
21 nonrefundable processing fee of ~~\$50~~ \$2 is required to set-up any installment payment plan for
22 all application fees. The balance of phased payments must be paid in full one week in
23 advance of the first scheduled public hearing before the Planning Commission to consider the
24 project or before issuance of the first site permit if no hearing is required.
25

1 (c) Time and Materials. The Planning Department shall charge the applicant for any
2 time and materials cost incurred in excess of the initial fee charged if required to recover the
3 Department's costs for providing services.

4 (1) The Department shall charge time and materials to recover the cost of correcting
5 code violations and violations of Planning Commission and Department conditions of approval
6 of use if such costs are not covered by the monitoring fee for conditions of approval specified
7 in Section 351(e)(1).

8 (2) Where a different limitation on time and material charges is set forth elsewhere in
9 this Article, that limitation shall prevail.

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

12 (4) Any balance of time and materials costs for active and open projects must be paid
13 in full one week in advance of a scheduled public hearing before the Planning Commission to
14 consider the project or before issuance of the first site permit if no hearing is required.

15 (d) Refunds. When an application is withdrawn by the applicant prior to a public
16 hearing, or deemed canceled by the Planning Department due to inactivity on the part of the
17 applicant, then the applicant shall be entitled to a refund of the fee paid to the Department
18 less the time and materials expended, minus a ~~\$400~~427 processing fee. Refund requests must
19 be submitted within six months of the project closure date.

20 (e) Deferred or Reduced Fee.

21 (1) Any fraternal, charitable, benevolent or any other nonprofit organization, that is
22 exempt from taxation under the Internal Revenue laws of the United States and the Revenue
23 and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or
24 other nonprofit organization, or public entity that submits an application for the development of
25 residential units all of which are affordable to low and moderate income households, as

1 defined by the United States Housing and Urban Development Department, for a time period
2 that is consistent with the policy of the Mayor's Office of Housing and the San Francisco
3 Redevelopment Agency, may defer payment of the fees except those under 352d and 352n
4 until (1) before final Planning Department approval of the building permit, preparatory to
5 issuance of the building permit, before the building permit is released to the applicant, or (2)
6 within one year of the date of action on the application, whichever comes first. This exemption
7 shall apply notwithstanding the inclusion in the development of other nonprofit ancillary or
8 accessory uses. Should the project be withdrawn prior to final Planning approval, the
9 applicant shall pay time and material costs pursuant to Section 350(c).

10 (2) An exemption from paying the full fees specified under Section 352d and 352n may
11 be granted when the requestor's income is not enough to pay for the fee without affecting their
12 abilities to pay for the necessities of life, provided that the person seeking the exemption
13 demonstrates to the Planning Director or his/her designee that they are substantially affected
14 by the proposed project.

15 (f) Late Payment.

16 (1) Charges and Collection of Overdue Accounts. The Director or his/her designee
17 shall call upon the Bureau of Delinquent Revenues or duly licensed collection agencies for
18 assistance in collecting delinquent accounts more than 60 days in arrears, in which case any
19 additional costs of collection may be added to the fee amount outstanding. If the Department
20 seeks the assistance of a duly licensed collection agency, the approval procedures of
21 Administrative Code Article 5, Section 10.39-1 et seq. will be applicable.

22 (g) Fee Adjustments.

23 (1) The Controller will annually adjust the fee amounts specified in Section 351(d), (e),
24 (f), (g), (h), (i) and Section 352(b), (d), (e), (g), (i), (j), (k), (l), (m), and Section 353(a), (c), (d),
25 and Section 355(a), (2), (3), (4), (5), (6), (7)(b), (c), (d), (e), and Section 356(c), (d), (e), and

1 Section 357 and Section 358 (a), (b), (c), (d) by the two-year average consumer price index
2 (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA).

3 Section 3. The San Francisco Planning Code is hereby amended by amending Section
4 351 to read as follows:

5 **SEC. 351. - MISCELLANEOUS SERVICES.**

6 (a) Agendas for Planning Commission: ~~\$35~~37.00 annual subscription to cover costs of
7 mailing. The Planning Director or his/her designee may authorize exemptions in those
8 instances where costs would impose financial hardship.

9 (b) Agendas for Historic Preservation Commission: ~~\$35~~37.00 annual subscription to
10 cover costs of mailing. The Planning Director or his/her designee, may authorize exemption in
11 those instances where costs would impose financial hardship.

12 (c) Document Retrieval: Files stored on-site - actual costs for printing file(s), Files
13 stored off-site: - actual costs for retrieval, printing and return of files, as specified in a retrieval
14 schedule prepared by Director of Planning, or his/her designee.

15 (d) Information, Analysis, Report Preparation and Presentation, Research Services,
16 Data Requests: The costs of report preparation may be amortized by factoring full-cost
17 recovery into the pricing of such information and reports: ~~\$230~~245.00 as an initial fee.

18 (e) Monitoring Projects:

19 (1) Monitoring Conditions of Approval: Upon adoption of conditions of approval which
20 the Zoning Administrator determines require active monitoring, the fee shall be ~~\$1,080~~1,130.00
21 as an initial fee, plus time and materials as set forth in Section 350(c).

22 (f) Project Review for Policy and Code Review and Interpretation for Prospective
23 Projects for which an Application has not been Filed, and Site-Specific Design Guidelines and
24 Code-Complying Massing Recommendations and Department facilitated pre-application
25 meetings: ~~\$345~~368.00 for new construction and modifications to 5 or fewer dwelling units and

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1 for affordable housing projects as defined in the Guidelines of the United States Housing and
2 Urban Development Department, and ~~\$816~~871.00 for all other projects and Department
3 facilitated pre-application meetings.

4 (g) (1) Project Notifications for an Individual Requesting Notification of Project
5 Applications:

6 (A) First Address or First Assessor's Lot: ~~\$30~~32.00 per annum.

7 (B) Additional Addresses: ~~\$121~~3.00 for addresses in each new Assessor's Lot
8 thereafter, per annum.

9 (2) Project Notifications for a Neighborhood Organization, defined as (i) having been in
10 existence for 24 months prior to the request, and (ii) is listed on the Planning Department's
11 neighborhood organization notification list, requesting Notification of Project Applications:

12 (A) First Address or First Assessor's Block: ~~\$30~~32.00 per annum.

13 (B) Additional Addresses: ~~\$121~~3.00 for addresses in each new Assessor's Block
14 thereafter, per annum.

15 (h) Zoning Administrator Written Determinations Pursuant to Section 307(a):
16 ~~\$115~~122.00 for zoning letters of conformance, ~~\$517~~552.00 for other written determinations.

17 (i) Reactivating an application that the Zoning Administrator has deemed withdrawn
18 due to inactivity and the passage of time, subject to the approval of the Zoning Administrator
19 and within six months of the date the application was deemed withdrawn: ~~\$218~~232.00

20 (j) Preliminary Project Assessment: \$4,427 which will be credited to the first project
21 application filed.

22 Section 3. The San Francisco Planning Code is hereby amended by amending Section
23 352 to read as follows:

24 **SEC. 352. - COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.**

25 (a) Conditional Use (Section 303), Planned Unit Development (Section 304),

Estimated Construction Cost	Initial Fee
No construction cost, excluding extension of hours	\$7851,800.00
No construction cost, extension of hours	\$1,2061,286.00
<i>Wireless Telecommunications Services (WTS)</i>	<i>\$4,500.00</i>
Estimated Construction Cost	Initial Fee
\$1.00 to \$9,999.00	\$1,2061,286.00
\$10,000.00 to \$999,999.00	\$1,2061,286.00 plus 0.557583% of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$6,7227,171.00 plus 0.664695% of cost over \$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$33,31535,537.00 plus 0.557583% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$61,17665,257.00 plus 0.290303% of cost over \$10,000,000.00
\$20,000,000.00 or more	\$90,21396,230.00

<i>Estimated Construction Cost</i>	<i>Initial Fee</i>
<i>No construction cost, excluding extension of hours</i>	<i>\$785.00</i>
<i>No construction cost, extension of hours</i>	<i>\$1,206.00</i>

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<i>Estimated Construction Cost</i>	<i>Initial Fee</i>
<i>\$1.00 to \$9,999.00</i>	<i>\$1,206.00</i>
<i>\$10,000.00 to \$999,999.00</i>	<i>\$1,206.00 plus 0.557% of cost over \$10,000.00</i>
<i>\$1,000,000.00 to \$4,999,999.00</i>	<i>\$6,722.00 plus 0.664% of cost over \$1,000,000.00</i>
<i>\$5,000,000.00 to \$9,999,999.00</i>	<i>\$33,315.00 plus 0.557% of cost over \$5,000,000.00</i>
<i>\$10,000,000.00 to \$19,999,999.00</i>	<i>\$61,176.00 plus 0.290% of cost over \$10,000,000.00</i>
<i>\$20,000,000.00 or more</i>	<i>\$90,213.00</i>

(b) Variance (Section 305)

Variance fees are subject to additional time and material charges, as set forth in Section 350(c).

<i>Estimated Construction Cost</i>	<i>Initial Fee</i>
<i>\$0.00—\$9,999.00</i>	<i>\$782.00 <u>\$17.00</u></i>
<i>\$10,000.00—\$19,999.00</i>	<i>\$1,741 <u>\$1,821.00</u></i>
<i>\$20,000.00 and greater</i>	<i>\$3,476 <u>\$3,708.00</u></i>
<i>Estimated Construction Cost</i>	<i>Initial Fee</i>
<i>\$0.00—\$9,999.00</i>	<i>\$782.00</i>
<i>\$10,000.00—\$19,999.00</i>	<i>\$1,741.00</i>
<i>\$20,000.00 and greater</i>	<i>\$3,476.00</i>

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

Estimated Construction Cost	Initial Fee
\$0.00 to \$9,999.00	\$244 <u>256</u> .00
\$10,000.00 to \$999,999.00	\$244 <u>261</u> .00 plus 0. 112 <u>117</u> % of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$1,352 <u>1,442</u> .00 plus 0. 133 <u>139</u> % of cost over \$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$6,684 <u>7,130</u> .00 plus 0. 111 <u>116</u> % of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$12,234 <u>13,050</u> .00 plus 0. 058 <u>061</u> % of cost over \$10,000,000
\$20,000,000.00 or more	\$18,063 <u>19,268</u> .00

(1) Applications with Verified Violations of this Code: The Planning Department shall charge ~~\$191~~204.00 as an initial fee, plus time and materials as set forth in Section 350(c).

(2) Where an applicant requests two or more approvals involving a conditional use, planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of appropriateness, permit to alter a significant or contributory building both within and outside of Conservation Districts, or a coastal zone permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50 percent.

(3) Minor project modifications requiring a public hearing to amend conditions of approval of a previously authorized project, not requiring a substantial reevaluation of the prior authorization: ~~\$896~~955.00.

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

(5) An applicant proposing major revisions, as determined by the Zoning Administrator, to a project application that has been inactive for more than six months and is assigned shall

submit a new application. An applicant proposing major revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(6) For agencies or departments of the City and County of San Francisco, the initial fee for applications shall be based upon the construction cost as set forth above.

<i>Estimated Construction Cost</i>	<i>Initial Fee</i>
<i>\$0.00 to \$9,999.00</i>	<i>\$256.00</i>
<i>\$10,000.00 to \$999,999.00</i>	<i>\$261.00 plus 0.112% of cost over \$10,000.00</i>
<i>\$1,000,000.00 to \$4,999,999.00</i>	<i>\$1,442.00 plus 0.133% of cost over \$1,000,000.00</i>
<i>\$5,000,000.00 to \$9,999,999.00</i>	<i>7,130.00 plus 0.111% of cost over \$5,000,000.00</i>
<i>\$10,000,000.00 to \$19,999,999.00</i>	<i>\$13,050.00 plus 0.058% of cost over \$10,000,000</i>
<i>\$20,000,000.00 or more</i>	<i>\$19,268.00</i>

(d) Discretionary Review Request: ~~\$500,300.00~~; provided, however, that the fee shall be waived if the discretionary review request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Such fee shall be refunded to the individual or entity that requested discretionary review in the event the Planning Commission denies the Planning Department's approval or authorization upon which the discretionary review was requested. Mandatory discretionary reviews: ~~\$3,223,438.00~~.

(e) Institutional Master Plan (Section 304.5).

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1 (1) Full Institutional Master Plan or Substantial Revision: ~~\$11,492~~12,259.00 plus time
2 and materials if the cost exceeds the initial fee as set forth in Section 350(c).

3 (2) **Abbreviated Institutional Master Plan:** ~~\$2,103~~2,244.00 plus time and materials if
4 the cost exceeds the initial fee as set forth in Section 350(c).

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

9 (g) **General Plan Referrals:** ~~\$3,103~~3,310.00 plus time and materials if the cost exceeds
10 the initial fee as set forth in Section 350(c).

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

16 (i) **Reclassify Property or Impose Interim Zoning Controls:** ~~\$6,611~~7,052.00

17 (1) The applicant shall be charged for any time and materials as set forth in Section
18 350(c).

19 (2) Applications with Verified Violations of this Code: The Planning Department shall
20 charge time and materials as set forth in Section 350(c).

21 (j) **Setback Line, Establish, Modify or Abolish:** ~~\$2,672~~2,851.00

22 (k) **Temporary Use Fees:** ~~\$391~~4,090.00 as an initial fee, plus time and materials if the cost
23 exceeds the initial fee, as set forth in Section 350(c).

24 (l) **Amendments to Text of the Planning Code:** ~~\$13,209~~14,090.00 as an initial fee, plus
25 time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

1 (m) Zoning Administrator Conversion Determinations Related to Service Station
2 Conversions: ~~\$2,609~~2,783.00 as an initial fee, plus time and materials if the cost exceeds the
3 initial fee. (Section 228.4).

4 (n) Conditional Use Appeals to the Board of Supervisors:

5 (1) \$500.00 for the appellant of a conditional used authorization decision to the Board
6 of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a
7 neighborhood organization that: (1) has been in existence for 24 months prior to the appeal
8 filing date, (2) is on the Planning Department's neighborhood organization notification list, and
9 (3) can demonstrate to the Planning Director or his/her designee that the organization is
10 substantially affected by the proposed project.

11 (2) Such fees shall be used to defray the cost of an appeal to the Planning Department. At the
12 time of filing an appeal, the Clerk of the Board of Supervisors shall collect such fee and
13 forward the fee amount to the Planning Department.

14 Section 4. The San Francisco Planning Code is hereby amended by amending Section
15 353 to read as follows:

16 **SEC. 353. - DOWNTOWN APPLICATIONS.**

17 (a) Exception in C-3 District (Section 309): ~~\$1,701~~1,815.00 as an initial fee, plus time
18 and materials as set forth in section 350(c) for one or more exceptions to the Planning Code,
19 which shall not be reduced per Section 352(c)(2).

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

22 (c) Office Development Limitation Projects (Sections 320 through 323): ~~\$4,562~~4,866.00
23 per application at initial intake plus time and materials as set forth in Section 350(c).

24 (d) Article 11 Designated Buildings:
25

1 file or have filed projects in recently adopted Plan Areas (after July 1, 2005) and filed projects
2 within 10 years of the Programmatic EIR certification.

3 The fee shall be a proportional share of the cost of the Programmatic EIR, which is
4 equal to the Department's average time and material costs to prepare and defend a
5 Programmatic EIR divided by the buildable envelope times the square footage of the
6 proposed project.

7 (d) Except as provided below for projects in the Transit Center District area, if at the
8 time of Community Plan adoption, a project application undergoing review required
9 amendments for height or bulk districts or General Plan amendments and now complies with
10 the Community Plan Zoning, the applicant may choose to pay either the fees specified in
11 Section 31.22 or Section 31.23.1. For projects that paid fees under Section 31.22 and opt to
12 pay fees under Section 31.23.1, the applicant shall withdraw the application filed under
13 Section 31.22 and file a new application. Applicants that file a new application and pay the
14 Section 31.23.1 fees shall be entitled to a refund under Section 31.22(c).

15 (i) Transit Center District Plan. Projects in the Transit Center District area that
16 require amendments for height or bulk district or General Plan amendments at the time of
17 project application shall pay the fees specified in Administrative Code Section 31.23.1(b) and
18 31.23.1(c). For projects that paid fees under Section 31.22, the applicant shall pay the
19 difference between Section 31.22 fees and Section 31.23.1(b) and 31.23.1(c) fees.
20

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 
25 Audrey Pearson
Deputy City Attorney

Mayor Newsom
BOARD OF SUPERVISORS



SAN FRANCISCO PLANNING DEPARTMENT

June 25, 2010

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
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415.558.6409

Planning
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Re: Transmittal of Planning Department Case Number 2010.0440T, Board File 10-0724:
Administrative Code Sections 31.22, 31.23 and 31.23.1 to (1) increase fees 4.65 percent, add new fees for mitigation monitoring, MTA and PUC Categorical Exemption Certificates, and a phased payments processing fee; and clarify the phased collection and refund policy and change the due date of EIR fees.
Planning Commission Recommendation: Approval with Amendments

Dear Ms. Calvillo,

On June 24th, 2009, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance;

The proposed Ordinance would amend Administrative Code Sections 31.22, 31.23 and 31.23.1 to (1) increase fees 4.65 percent (2.61 percent to reflect the two-year average consumer price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA) which is an automatic adjustment, and 2.04 percent as a surcharge to support a portion of the Preservation and Code Enforcement programs); (2) add new fees for mitigation monitoring, MTA and PUC Categorical Exemption Certificates, and a phased payments processing fee; and (3) clarify the phased collection and refund policy and change the due date of EIR fees.

The proposed amendments have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15273.

At the June 24th hearing, the Commission voted to recommend approval with Amendments of the proposed Ordinance as follows:

1. Page 1, line 4, strike "31.24", add "31.23.1"
2. Page 5, line 16, strike "\$9,538" add "22,281"
3. Page 6, line 1, add (a) after (7)

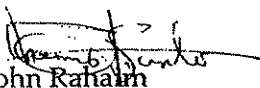
4. Page 6, line 6, add new section (7)(b):

(7)(b) For preparation of a Class 32 Certificate of Exemption from Environmental Review determining that a project is categorically exempt, the initial fee shall be:

- Where the total estimated construction cost as defined by the San Francisco Building Code is between \$0 and \$9,999: \$10,264;
- Where said total estimated construction cost is \$10,000 or more, but less than \$200,000: \$10,264 PLUS 0.178% of the cost over \$10,000;
- Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000: \$10,602 PLUS 0.169% of the cost over \$200,000;
- Where said total estimated construction cost is \$1,000,000 or more, but less than \$10,000,000: \$11,954 PLUS 0.052% of the cost over \$1,000,000;
- Where said total estimated construction cost is \$10,000,000 or more: \$16,634 PLUS 0.378% of the cost over \$10,000,000.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,


for John Rahaim
Director of Planning

Attachments (one copy of the following):

Planning Commission Resolution No. 18115

Planning Commission Executive Summary for Case No. 2010.0440T

Proposed ordinance with recommended amendments



TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *For* Mayor Gavin Newsom *80*
RE: Update to Environmental Review Fees to Increase Fees for Cost
Recovery, Establish a New Fee for Mitigation and Conditions of Approval
Monitoring, and Make Other Clarifying Changes
DATE: June 1, 2010

Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is the ordinance amending the San Francisco Administrative Code by amending Sections 31.22, 31.23 and 31.24 to increase all fees 2.61 percent which is the cost of living adjustment, and an additional 2.04 percent for cost recovery, further increase Categorical Exemption Class 32, Negative Declaration and Environmental Impact Report addendum fees for cost recovery, change the timing of Environmental Impact Report payments, add a new fee for mitigation and condition of approval monitoring, and for the Municipal Transportation Agency and Public Utilities Commission for Categorical Exemption Certificates, clarify phase collection payments and refund policy, and establish a processing fee for phased payments.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Starr Terrell (415) 554-5262.

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