



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution 17629

HEARING DATE: JUNE 19, 2008

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Project Name: **Amendments relating to Administrative Code Sections 31.22 and 31.23: Community Plan and Environmental Exemptions for Historical Resource fees and overall increases.**

Case Number: 2008.0641T [Board File No. 08-0738]

Initiated by: Mayor / Introduced May 30, 2008

Staff Contact: Elaine Forbes, Finance Director
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Reviewed by: Alicia John-Baptiste, Chief Administrative Officer
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Recommendation: **Recommend Approval with Amendments**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND ADMINISTRATIVE CODE SECTIONS 31.22 AND 31.23 TO (1) RESTRUCTURE FEES TO RECOVER THE COST OF PRODUCING PLANS FROM PROJECTS IN PLAN AREAS AND ADOPT NEW COMMUNITY PLAN FEES, (2) ADOPT NEW FEES FOR ENVIRONMENTAL EXEMPTIONS FOR HISTORICAL RESOURCES, AND (3) INCREASE ENVIRONMENTAL REVIEW FEES 1.63 PERCENT AND MAKE OTHER ADJUSTMENTS.

WHEREAS, on May 30, 2008, Mayor Newsom introduced a proposed Ordinance, File Number 08-0736 (1) restructure fees to recover the cost of producing plans from projects in Plan Areas and adopt new Community Plan fees, (2) adopt new fees for Environmental Exemptions for Historical Resources, and (3) increase environmental review fees 1.63 percent and make other adjustments; AND

WHEREAS, the Planning Commission supports (1) new community plan fee structure is the first step to a single intake which is part of the Department's process improvement program, (2) advancing the land-use, density and community improvement objectives of plans, (3) avoiding repetitive environmental studies, and (4) supporting the Citywide planning program and recovery for Programmatic Environmental Impact Reports, which historically were General Fund supported; AND

Whereas, the Planning Commission encourages the Department's efforts to improve business practices, and to improve consistency and efficiency, eliminate redundancies, and better integrate preservation and environmental review; and

Whereas, the Planning Commission supports a fee increase of 1.63 percent to maintain cost recovery, and fee adjustments for cost recovery; and

Whereas, the Planning Commission support the increase in appeal fees to \$500 to avoid frivolous appeals, and

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 19, 2008; and,

The Planning Department has determined the proposed Planning Code amendment is subject to a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)2 of the Guidelines for Implementation of the California Environmental Quality Act for activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment; and,

The Department has not received any letters or phone calls in support or in opposition to the proposed Ordinance.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with the following Amendments:

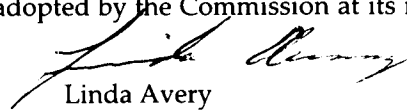
1. Page 6, line 6 - Strike "include preservation HRER review or"
2. Page 3, line 15, page 4, line 11, page 11, line 21, add "assigned" and reinstate existing rules for unassigned projects
3. Page 6, line 9 – Add "For preparation of an exemption that requires review of historical resource issues only, the following fees apply"
4. Amend Section 31.22 Basic Fees to make clear that applications for projects that do not comply with the Code but are outside of plan areas either adopted or under development, are required to pay Basic Fees.
5. Amend Section 31.24 to clarify the application of Community Plan and PEIR recovery fees.
6. Add Section that is uncodified to clarify application of these fees for project that filed prior to plan adoption for each plan area.
7. For appeals to the Board of Supervisor, consider developing criteria for "frivolous appeals", applying such criteria, and making a finding where applicable.
8. If such criteria are developed, add new language on page 5 after line 17 as follows: "for appeals which the Board of Supervisors deems frivolous, the Department shall bill the appellant for the time and material costs incurred in excess of the appeal fee charged".

Administrative adjustments

Page 12, line 8
Page 12, line 12

Reference should be 31.24(A)(3)
Reference should be 31.24(B)(1)

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 19, 2008



Linda Avery

Commission Secretary

AYES: 6

NOES: 0

ABSENT: 0

ADOPTED: