

FILE NO. 001007

ORDINANCE NO. 40-01

[Administrative Code Chapter 31]

REPEALING ADMINISTRATIVE CODE CHAPTER 31 AND ENACTING NEW
ADMINISTRATIVE CODE CHAPTER 31 TO ADOPT PROCEDURES AND FEES TO
IMPLEMENT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Note: This entire section is new.

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

Section 1. Chapter 31 of the San Francisco Administrative Code is hereby repealed in
its entirety.

Section 2. New Chapter 31 of the San Francisco Administrative Code is hereby
enacted to read as follows:

ARTICLE I

GENERAL PROVISIONS

Sec. 31.01. Authority and Mandate.

Sec. 31.02. Policies and Objectives.

Sec. 31.03. Scope of Requirements

Sec. 31.04. Responsibility.

Sec. 31.05. Office of Environmental Review.

SEC. 31.01. AUTHORITY AND MANDATE.

(a) This Chapter is adopted pursuant to the California Environmental Quality Act,
Public Resources Code Sections 21000 and following, as amended; and pursuant to the
Guidelines for Implementation of the California Environmental Quality Act, as amended,
appearing as Title 14, Division 6, Chapter 3 of the California Code of Regulations (hereinafter
referred to collectively as CEQA). CEQA provides for the orderly evaluation of projects and

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1 preparation of environmental documents, and requires adoption of corresponding objectives,
2 criteria and procedures by local agencies.

3 (b) Any amendments to CEQA adopted subsequent to the effective date of this
4 Chapter 31 shall not invalidate any provision of this Chapter 31. Any amendments to CEQA
5 that may be inconsistent with this Chapter 31 shall govern until such time as this Chapter 31
6 may be amended to remove such inconsistency.

7 (c) This Chapter shall govern in relation to all other ordinances of the City of San
8 Francisco ("City") and rules and regulations pursuant thereto. In the event of any
9 inconsistency concerning either public or private actions, the provisions of this Chapter shall
10 prevail.

11 **SEC. 31.02. POLICIES AND OBJECTIVES.**

12 The basic purposes of CEQA and this Chapter 31 are to:

13 (a) Provide decisionmakers and the public with meaningful information regarding the
14 environmental consequences of proposed activities.

15 (b) Identify ways that environmental damage can be avoided or significantly reduced.

16 (c) Provide for public input in the environmental review process.

17 (d) Bring environmental considerations to bear at an early stage of the planning
18 process, and to avoid unnecessary delays or undue complexity of review. Simplicity and
19 directness are to be emphasized, with the type of review related to the depth and variety of
20 environmental issues raised by a project, so that government and public concern may be
21 focused upon environmental effects of true significance.

22 (e) Provide procedural direction on implementation of CEQA by the City.

23 (f) Prevent significant avoidable damage to the environment by requiring changes in
24 projects through the use of alternatives or mitigation measures when the government agency
25 finds the changes to be feasible.

1 (g) Disclose to the public the reasons why a governmental agency approved the
2 project in the manner the agency chose if significant environmental effects are involved.
3

4 **SEC. 31.03. SCOPE OF REQUIREMENTS.**

5 (a) This Chapter adapts CEQA for use by the City. The emphasis of this Chapter is
6 upon implementing procedures, which are expressly left for determination by local agencies,
7 consistent with CEQA.

8 (b) The provisions of CEQA are not repeated here, but are expressly incorporated
9 herein by reference as though fully set forth. This Chapter is supplementary to CEQA.

10 **SEC. 31.04. RESPONSIBILITY.**

11 (a) The City and all its officials, boards, commissions, departments, bureaus and
12 offices shall constitute a single "local agency," "public agency" or "lead agency" as those
13 terms are used in CEQA; except that the San Francisco Redevelopment Agency shall be a
14 separate "local agency" or "public agency" as specified in CEQA. With regard to
15 establishment of any redevelopment area, the City shall be the "lead agency."

16 (b) The administrative actions required by CEQA with respect to the preparation of
17 environmental documents, giving of notice and other activities, as specified in this Chapter,
18 shall be performed by the San Francisco Planning Department as provided herein, acting for
19 the City.

20 (c) Where adoption of administrative regulations by resolution of the Planning
21 Commission after public hearing is specified herein, there shall be notice by publication in a
22 newspaper of general circulation in the City at least twenty (20) days prior to the hearing and
23 by posting in the offices of the Planning Department, with copies of the proposed regulations
24 sent to the Board of Supervisors and any other affected boards, commissions and
25 departments of the City and to all organizations and individuals who have previously

1 requested such notice in writing. The decision of the Commission in adopting administrative
2 regulations shall be final.

3 (d) The City shall be responsible for conducting environmental review for projects
4 undertaken by the City within the City's territorial limits and for projects undertaken by the City
5 outside the territorial limits of the City.

6 **SEC. 31.05. OFFICE OF ENVIRONMENTAL REVIEW.**

7 (a) An Office of Environmental Review is hereby created in the Planning
8 Department, which shall be responsible, acting through the Director of Planning, for the
9 administration of this Chapter 31.

10 (b) Said office shall be under the direction of an Environmental Review Officer, who
11 shall supervise the staff members of the office and have charge of the collection of fees by the
12 office. The Environmental Review Officer shall report to, and coordinate and consult with, the
13 Director of Planning.

14 (c) In addition to the powers and duties conferred below, the Environmental Review
15 Officer may, upon delegation by the Planning Commission as to specific projects, take
16 testimony at supplemental public hearings on draft environmental impact reports, in addition
17 to, and not in lieu of, the hearing held by the Planning Commission as set forth in section
18 31.14 of this Chapter, and shall report to, and make all such testimony available to, the
19 Planning Commission at a public hearing.

20 (d) The Environmental Review Officer shall also take such measures, within his or
21 her powers, as may be necessary to assure compliance with this Chapter 31 by persons
22 outside the Planning Department, and shall periodically review the effectiveness and
23 workability of the provisions of this Chapter 31 and recommend any refinements or changes
24 that he or she may deem appropriate for improvement of such provisions.

1 (e) All projects that are not excluded or categorically exempt from CEQA shall be
2 referred to the Environmental Review Officer. All other officials, boards, commissions,
3 departments, bureaus and offices of the City shall cooperate with the Environmental Review
4 Officer in the exercise of his/her responsibilities, and shall supply necessary information,
5 consultations and comments.

6 (f) The Environmental Review Officer shall be responsible for assuring that the City
7 is carrying out its responsibilities set forth in CEQA. In addition, when the City is to carry out
8 or approve a project and some other public agency is the "lead agency," as defined by CEQA,
9 and where projects are to be carried out or approved by the State and Federal governments,
10 the Environmental Review Officer shall provide consultation and comments for the City to the
11 other government agencies when appropriate.

12 (g) To the extent feasible, the Environmental Review Officer shall combine the
13 evaluation of projects, preparation of environmental impact reports and conduct of hearings
14 with other planning processes; and shall coordinate environmental review with the Capital
15 Improvement Program, the San Francisco General Plan and the San Francisco Planning
16 Code.

17 (h) Adoption and/or revision of administrative regulations to implement CEQA shall
18 be by resolution of the Planning Commission after a public hearing. The Environmental
19 Review Officer may adopt necessary forms, checklists and processing guidelines to
20 implement CEQA and this Chapter 31 without a public hearing.

21 (i) Upon prior authorization by the Planning Commission, the Environmental
22 Review Officer may attend hearings and testify on matters related to CEQA before
23 governmental organizations and agencies other than governmental agencies of the City and
24 County of San Francisco and may advocate on behalf of the City on matters related to
25 CEQA.

1 (j) The Environmental Review Officer may provide information to other governmental or
2 environmental organizations and members of the public.

3 (k) The Environmental Review Officer may delegate his or her responsibilities to an
4 employee of the Office of Environmental Review. All references herein to the Environmental
5 Review Officer shall be deemed to include the Environmental Review Officer's delegate.

6 **ARTICLE II**

7 **PROJECTS COVERED**

8 Sec. 31.06. Coverage of State Law.

9 Sec. 31.07. Listing of Non-physical and Ministerial Projects.

10 Sec. 31.08. Categorical Exemptions.

11 **SEC. 31.06. COVERAGE OF STATE LAW.**

12 CEQA provides that certain kinds of projects may be subject to CEQA. Some of these
13 projects may be excluded or categorically exempt from CEQA. If not excluded or categorically
14 exempt, CEQA provides a process whereby an initial study is completed, then a determination
15 is made as to whether a negative declaration or an environmental impact report ("EIR") should
16 be prepared. In accordance with the requirements of CEQA and as specified herein, the
17 Planning Commission and/or the Environmental Review Officer shall determine when CEQA
18 applies to a project, when the project is excluded or exempt, or when a negative declaration or
19 environmental impact report is required.

20 **SEC. 31.07. LISTING OF NON-PHYSICAL AND MINISTERIAL PROJECTS.**

21 (a) The Environmental Review Officer shall maintain a listing of types of
22 nonphysical and ministerial projects excluded from CEQA. Such listing shall be modified over
23 time as the status of types of projects may change under applicable laws, ordinances, rules
24 and regulations. The listing shall not be considered totally inclusive, and may at times require
25 refinement or interpretation on a case-by-case basis. When the Environmental Review Officer

1 proposes to modify such listing, notice shall be provided on the Planning Commission agenda
2 prior to such modification. Any person who may consider any modification to be incorrect may
3 appeal such modification to the Planning Commission within twenty (20) days of the date of
4 the Planning Commission agenda on which notice of such modification was posted. The
5 Planning Commission may affirm, modify or disapprove such modification, and the decision of
6 the Planning Commission shall be final.

7 (b) Such listing of excluded projects and modifications thereto shall be kept posted
8 in the offices of the Planning Department, and copies thereof shall be sent to the Board of
9 Supervisors and all other affected boards, commissions and departments of the City.

10 **SEC. 31.08. CATEGORICAL EXEMPTIONS.**

11 (a) CEQA provides that certain classes of projects generally do not have a
12 significant effect on the environment and therefore are categorically exempt from CEQA.
13 Each public agency must list the specific activities that fall within each such class, subject to
14 the qualification that these lists must be consistent with both the letter and the intent of the
15 classes set forth in CEQA. Except as provided in this section 31.08, projects that are
16 categorically exempt are not subject to the requirements of this Chapter 31.

17 (b) The Environmental Review Officer shall maintain the required list of types of
18 projects which are categorically exempt, and such list shall be kept posted in the offices of the
19 Planning Department. Such list shall be kept up to date in accordance with any changes in
20 CEQA and any changes in the status of local projects. The initial list and any additions,
21 deletions and modifications thereto shall be adopted as administrative regulations by
22 resolution of the Planning Commission after public hearing, according to the procedure set
23 forth in Section 31.04 (c) of this Chapter.

24 (c) CEQA provides for public agencies to request additions, deletions and
25 modifications to the classes of projects listed as categorically exempt in CEQA. The Planning

1 Commission shall make any such requests, after a public hearing thereon held according to
2 the procedure specified in Section 31.04 (c) of this Chapter for adoption of administrative
3 regulations.

4 (d) The Environmental Review Officer may adopt necessary forms, checklists and
5 processing guidelines to aid the Planning Department and other departments in determining
6 that a project may be categorically exempt in accordance with the letter and the intent
7 expressed in the classes of categorical exemptions specified in CEQA and with the
8 administrative regulations adopted by the Planning Commission.

9 (e) The Environmental Review Officer shall advise other departments of the
10 categorical exemptions. The Environmental Review Officer may delegate the determination
11 whether a project is categorically exempt from CEQA to other departments, provided that
12 other departments shall consult with the Environmental Review Officer regarding the
13 application of the categorical exemptions, and provided further that the Environmental Review
14 Officer shall be responsible for all determinations so delegated to other departments.

15 (f) When the Environmental Review Officer, or any other department to which the
16 Environmental Review Officer has delegated responsibility pursuant to Section 31.08(e)
17 above, has determined that a project is excluded or categorically exempt from CEQA, notice
18 to the public shall be provided for all such determinations involving the following types of
19 projects: (1) any historical resources as defined in CEQA, including without limitation, any
20 buildings and sites listed individually or located within districts listed (i) in Planning Code
21 Articles 10 or 11, (ii) in City-recognized historical surveys, (iii) on the California Register, or
22 (iv) on the National Register of Historic Places; (2) any Class 31 categorical exemption; (3)
23 any demolition of an existing structure; or, (4) any Class 32 categorical exemption. Written
24 determinations of categorical exemptions for these types of projects shall be posted in the
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1 offices of the Planning Department and shall be mailed to any individuals or organizations that
2 have previously requested such notice in writing.

3 (g) When the Environmental Review Officer, or any other department to which the
4 Environmental Review Officer has delegated responsibility pursuant to Section 31.08(e)
5 above, has determined that a project is excluded or categorically exempt from CEQA, the
6 Environmental Review Officer may issue a Certificate of Exemption from Environmental
7 Review by posting a copy thereof in the offices of the Planning Department, and by mailing
8 copies thereof to the applicant, the board(s), commission(s) or department(s) that will carry
9 out or approve the project, and to any individuals or organizations who have previously
10 requested such notice in writing.

11 (h) The Planning Commission may take testimony on any categorical
12 exemption at the public hearing, if any, in connection with the Planning Commission's
13 consideration of the project that is the subject of the categorical exemption.

14 **ARTICLE III**

15 **EVALUATIONS**

16 Sec. 31.09. Determination of Need for Evaluation.

17 Sec. 31.10. Initial Evaluation of Projects.

18 Sec. 31.11. Negative Declarations.

19 Sec. 31.12. Determinations that Environmental Impact Reports
20 Are Required.

21 Sec. 31.13. Draft Environmental Impact Reports.

22 Sec. 31.14. Consultations and Comments.

23 Sec. 31.15. Final Environmental Impact Reports.

24 Sec. 31.16. Appeal of Final Environmental Impact Reports.

25 Sec. 31.17. Actions on Projects.

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1 Sec. 31.18 Additional Environmental Review.

2 Sec. 31.19 Evaluation of Modified Projects.

3 Sec. 31.20 Multiple Actions on Projects.

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5 **SEC. 31.09. DETERMINATION OF NEED FOR EVALUATION.**

6 All projects that are not statutorily excluded or categorically exempt from CEQA shall
7 be referred to the Environmental Review Officer, prior to the decision as to whether to carry
8 out or approve the project, for an initial study to establish whether a negative declaration or an
9 environmental impact report is required.

10 **SEC. 31.10. INITIAL EVALUATION OF PROJECTS.**

11 (a) Upon receiving an environmental evaluation application for a project, or upon
12 referral of a project by the board, commission or department that is to carry out or approve the
13 project, the Environmental Review Officer shall determine whether such project is exempt
14 from environmental review. If not exempt, the Environmental Review Officer shall complete
15 an initial study to determine the level of environmental analysis required. In the event it is
16 clear at the outset that an environmental impact report is required, the Environmental Review
17 Officer may, with the consent of the applicant, make an immediate determination and
18 dispense with the initial study.

19 (b) The initial study shall determine whether the project may have a significant
20 effect on the environment. The basic criteria for determination of significant effect shall be
21 consistent with the provisions set forth in CEQA. The Planning Commission may adopt
22 criteria for determination of significant effect as administrative regulations by resolution of the
23 Planning Commission after public hearing, according to the procedure set forth in Section
24 31.04 (c) of this Chapter.

1 (c) The applicant or the board, commission or department that is to carry out or
2 approve the project shall submit to the Environmental Review Officer such data and
3 information as may be necessary for the initial study. If such data and information are not
4 submitted, the Environmental Review Officer may suspend work on the initial evaluation.

5 (d) During preparation of the initial study, the Environmental Review Officer may
6 consult with any person having knowledge or interest concerning the project. In cases in
7 which the project is to be carried out or approved by more than one government agency and
8 the City is the lead agency, the Environmental Review Officer shall solicit input from all other
9 government agencies that are to carry out or approve the project.

10 (e) If a project is subject to CEQA and the National Environmental Policy Act, an
11 initial evaluation prepared pursuant to the National Environmental Policy Act may be used to
12 satisfy the requirements of this Section.

13 (f) Based on the analysis and conclusions in the initial study, the Environmental
14 Review Officer shall determine, based on the requirements of CEQA, whether the project
15 could have a significant effect on the environment, and whether a negative declaration or
16 environmental impact report shall be prepared.

17 **SEC. 31.11. NEGATIVE DECLARATIONS OR MITIGATED NEGATIVE DECLARATIONS.**

18 (a) When any negative declaration is required, it shall be prepared by or at the
19 direction of the Environmental Review Officer. The negative declaration shall describe the
20 project proposed, include the location of the property, preferably shown on a map, and the
21 name of the project proponent, state the proposed finding that the project could not have a
22 significant effect on the environment, and have attached to it a copy of the initial study
23 documenting reasons to support that finding. The negative declaration shall also indicate
24 mitigation measures, if any, included in the project to avoid potentially significant effects.

1 (b) The Environmental Review Officer shall first prepare a negative declaration on a
2 preliminary basis, and shall post a copy of the proposed negative declaration in the offices of
3 the Planning Department and mail notice thereof to the applicant and the board(s),
4 commission(s) or department(s) that will carry out or approve the project.

5 (c) The Environmental Review Officer shall provide a notice of intent to adopt a
6 negative declaration or mitigated negative declaration by publication in a newspaper of
7 general circulation in the City, by posting in the offices of the Planning Department and on the
8 subject site, by mail to the owners of all real property within the area that is the subject of the
9 negative declaration and within 300 feet of all exterior boundaries of such area, and by mail to
10 all organizations and individuals who have previously requested such notice in writing,
11 sufficiently prior to adoption of the negative declaration to allow the public and agencies a
12 review period of not less than twenty (20) days, or thirty (30) days if required by CEQA.

13 (d) The notice of intent shall specify the period during which comments are to be
14 received, the date, time and place of any public hearings on the project, a brief description of
15 the project and its location, and the address where copies of the negative declaration and all
16 documents referenced in the negative declaration are available for review.

17 (e) Within twenty (20) days, or thirty (30) days if required by CEQA, following the
18 publication of such notice, any person may appeal the proposed negative declaration to the
19 Planning Commission, specifying the grounds for such appeal. Any person may submit
20 comments on the proposed negative declaration.

21 (f) The Planning Commission shall hold a public hearing on any such appeal within
22 not less than fourteen (14) nor more than thirty (30) days after the close of the appeal period.
23 Notice of such hearing shall be posted in the offices of the Planning Department, and shall be
24 mailed to the appellant, to the applicant, to the board(s), commission(s) or department(s) that
25 will carry out or approve the project, to any individual or organization that has submitted

1 comments on the proposed negative declaration, and to any other individual or organization
2 that has requested such notice in writing.

3 (g) After such hearing the Planning Commission shall affirm the proposed negative
4 declaration if it finds that the project could not have a significant effect on the environment,
5 may refer the proposed negative declaration back to the Planning Department for revisions, or
6 shall overrule the proposed negative declaration and order preparation of an environmental
7 impact report if it finds that the project may have a significant effect on the environment.

8 (h) If the proposed negative declaration is not appealed as provided herein, or if it is
9 affirmed on appeal, the negative declaration shall be considered final, subject to any
10 necessary modifications. Thereafter, the first City decision-making body to act on approval of
11 the project shall review and consider the information contained in the final negative
12 declaration, together with any comments received during the public review process, and, upon
13 making the findings as provided in CEQA, shall adopt the negative declaration, prior to
14 approving the project. All decision-making bodies shall review and consider the negative
15 declaration and make findings as required by CEQA prior to approving the project.

16 (i) If the City adopts a mitigated negative declaration, the decision-making body
17 shall also adopt a program for reporting on or monitoring the mitigation measures for the
18 project that it has either required or made a condition of approval to mitigate or avoid
19 significant environmental effects.

20 (j) After the City has decided to carry out or approve the project, the Environmental
21 Review Officer may file a notice of determination with the county clerk in the county or
22 counties in which the project is to be located. If required by CEQA, the notice of
23 determination shall also be filed with the California Office of Planning and Research.
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1 **SEC. 31.12. DETERMINATIONS THAT ENVIRONMENTAL IMPACT REPORTS ARE**
2 **REQUIRED.**

3 If it is determined that a project may have a significant effect on the environment and
4 that an environmental impact report is required, the Environmental Review Officer shall
5 publish the notice of preparation in a newspaper of general circulation in the City, shall post
6 the notice of preparation in the offices of the Planning Department, and shall mail the notice of
7 preparation to the applicant, the board(s), commission(s) or department(s) that will carry out
8 or approve the project and to all organizations and individuals who have previously requested
9 such notice in writing. The Environmental Review Officer shall provide such other notice as
10 required by CEQA.

11 **SEC. 31.13. DRAFT ENVIRONMENTAL IMPACT REPORTS.**

12 (a) When an environmental impact report ("EIR") is required, it shall be prepared by
13 or at the direction of the Environmental Review Officer. The EIR shall first be prepared as a
14 draft report.

15 (b) The applicant or the board, commission or department that is to carry out or
16 approve the project shall submit to the Environmental Review Officer such data and
17 information as may be necessary to prepare the draft EIR. If such data and information are
18 not submitted, the Environmental Review Officer may suspend work on the draft EIR. The
19 data and information submitted shall, if the Environmental Review Officer so requests, be in
20 the form of all or a designated part or parts of the proposed draft EIR itself, although the
21 Environmental Review Officer shall in any event make his or her own evaluation and analysis
22 and exercise his or her independent judgment in preparation of the draft EIR for public review.

23 (c) During preparation of the draft EIR, the Environmental Review Officer may
24 consult with any person having knowledge or interest concerning the project. If he/she has
25 not already done so in accordance with Section 31.10 above, in cases in which the project is

1 to be carried out or approved by more than one public agency, the Environmental Review
2 Officer shall consult with all other public agencies that are to carry out or approve the project.

3 (d) When the draft EIR has been prepared, the Environmental Review Officer shall
4 file a notice of completion of such draft as required by CEQA. A copy of such notice, or a
5 separate notice containing the same information, shall thereupon be posted in the offices of
6 the Planning Department and on the subject site, and mailed to the applicant, the board(s),
7 commission(s) or department(s) that will carry out or approve the project, and to any individual
8 or organization that has requested such notice in writing. The notice of completion shall be
9 sent by mail to the owners of all real property within the area that is the subject of the
10 environmental impact report and within 300 feet of all exterior boundaries of such area. A
11 copy of the draft EIR shall be provided to the applicant and to such board(s), commission(s) or
12 department(s) and to any individual or organization that has so requested.

13 **SEC. 31.14. CONSULTATIONS AND COMMENTS.**

14 (a) Notice shall be sent to public agencies with jurisdiction by law, and persons with
15 special expertise as follows: after filing a notice of completion as required by CEQA, the
16 Environmental Review Officer shall send a copy of the draft EIR to any public agencies as
17 required by CEQA, and may send copies to and consult with persons who have special
18 expertise with respect to any environmental impact involved.

19 (b) In sending such copies, the Environmental Review Officer shall request
20 comments on the draft EIR from such agencies and persons, with particular focus upon the
21 sufficiency of the draft EIR in discussing possible effects on the environment, ways in which
22 adverse effects may be minimized, and alternatives to the project.

23 (c) Each notice and request for comments shall state that any comments must be
24 returned within a certain time after the sending of the draft EIR, and if comments are not
25 returned within that time it shall be assumed that the agency or person has no comment to

1 make. The time limit shall normally be thirty (30) days, or forty-five (45) days if required by
2 CEQA. The Environmental Review Officer may allow a longer period for comments on
3 projects of exceptional size or complexity. The Planning Commission or the Environmental
4 Review Officer may, upon the request of an agency or person from whom comments are
5 sought, grant an extension of time beyond the original period for comments, but such
6 extension shall not interfere with the holding of any hearing on the draft EIR for which notice
7 has already been given.

8 (d) Notice to the general public shall be provided as follows:

9 (1) Public participation, both formal and informal, shall be encouraged at all
10 stages of review, and written comments shall be accepted at any time up to the conclusion of
11 the public comment period. The Environmental Review Officer may give public notice at any
12 formal stage of the review process, beyond the notices required by this Chapter 31, in any
13 manner it may deem appropriate, and may maintain a public log as the status of all projects
14 under formal review. Members of the general public shall be encouraged to submit their
15 comments in writing as early as possible.

16 (2) The draft EIR shall be available to the general public upon filing of the
17 notice of completion.

18 (3) The Planning Commission shall hold a public hearing on every draft EIR,
19 with such hearing combined as much as possible with other activities of the Planning
20 Commission. The Environmental Review Officer may, upon delegation by the Planning
21 Commission, take testimony at supplemental public hearing(s) on draft EIRs, in addition to,
22 and not in lieu of, the hearing conducted by the Planning Commission, and shall report to and
23 make all testimony received by the Environmental Review Officer available to the Planning
24 Commission at a public hearing. Notice of the Planning Commission hearings and all
25 hearings at which the Environmental Review Officer takes testimony shall be given by

1 publication in a newspaper of general circulation in the City at least 30 days prior to the
2 hearing, by posting in the offices of the Planning Department, by posting on or near the site
3 proposed for the project; and by mail sent not less than 30 days prior to the hearing to the
4 applicant, to the board, commission or department that is to carry out or approve the project,
5 and to any other individual or organization requesting such notice.

6 (4) The draft EIR, including any revisions made prior to or during the public
7 hearing, shall be the basis for discussion at the hearing. To the extent feasible, any
8 comments already received from any agency, organization or individual shall be available at
9 the public hearing.

10 **SEC. 31.15. FINAL ENVIRONMENTAL IMPACT REPORTS.**

11 (a) A final EIR shall be prepared by, or at the direction of, the Environmental Review
12 Officer, based upon the draft EIR, the consultations and comments received during the review
13 process, and additional information that may become available.

14 (b) The final EIR shall include a list of agencies and persons consulted, the
15 comments received, either verbatim or in summary, and a response to any comments that
16 raise significant points concerning effects on the environment. The response to comments
17 may take the form of revisions within the draft EIR, or by adding a separate section in the final
18 EIR, or by providing an explanation in response to the comment.

19 (c) A public record shall be kept of each case in which an EIR is prepared, including
20 all comments received in writing in addition to a record of the public hearing. The final EIR
21 shall indicate the location of such record. Any transcription of a hearing record shall be at the
22 expense of the person requesting such transcription.

23 (d) When the final EIR has been prepared and in the judgment of the Planning
24 Commission it is adequate, accurate and objective, reflecting the independent judgment and
25 analysis of the Planning Commission, the Planning Commission shall certify its completion in

1 compliance with CEQA. The certification of completion shall contain a finding as to whether
2 the project as proposed will, or will not, have a significant effect on the environment.

3 **SEC. 31.16 APPEAL OF FINAL ENVIRONMENTAL IMPACT REPORTS.**

4 (a) Any person or entity that has submitted comments to the Planning Commission
5 or the Environmental Review Officer on a draft EIR, either in writing during the public review
6 period, or orally or in writing at a public hearing on the EIR, may appeal the Planning
7 Commission's certification of a final EIR to the Board of Supervisors (the "Board").

8 (1) A letter of appeal shall be submitted to the Clerk of the Board within
9 twenty (20) calendar days after the Planning Commission's certification of the EIR, stating the
10 specific grounds for appeal, and accompanied by a fee, as set forth in Section 31.22 herein,
11 payable to the Clerk of the Board. The grounds for appeal shall be limited to issues related to
12 the adequacy, accuracy and objectiveness of the final EIR, including but not limited to the
13 sufficiency of the final EIR as an informational document and the correctness of its
14 conclusions, and the correctness of the findings contained in the Planning Commission's
15 certification of the EIR. The appellant shall submit a copy of the letter of appeal to the
16 Environmental Review Officer at the time appellant submits a letter of appeal to the Clerk of
17 the Board.

18 (2) After receipt of the letter of appeal, the Environmental Review Officer
19 shall promptly transmit copies of the EIR to the Clerk of the Board and make the
20 administrative record available to the Board.

21 (3) While the appeal is pending, and until the EIR is affirmed or re-certified as
22 may be required by the Board, the City shall not carry out or consider the approval of a project
23 that is the subject of the EIR on appeal.

24 (b) The Clerk of the Board shall promptly schedule a hearing on the appeal before
25 the full Board, without regard to any rule or policy of the Board requiring a 30-day review

1 period. If more than one person submits a letter of appeal on a final EIR, the Board shall
2 consolidate such appeals so that they are heard simultaneously. The Board may consolidate
3 or coordinate its hearing on the appeal with other hearings on the project. Notice of the
4 appeal shall be provided by mail to the appellants and to all organizations and individuals who
5 have previously requested such notice, not less than ten (10) days prior to the date of the
6 hearing.

7 (c) The Board shall conduct its own independent review of the final EIR. The Board
8 shall consider anew all facts, evidence and/or issues related to the adequacy, accuracy and
9 objectiveness of the final EIR, including but not limited to the sufficiency of the final EIR as an
10 informational document and the correctness of its conclusions, and the Planning
11 Commission's certification of the EIR. The Board may consider new facts, evidence and/or
12 issues that were not introduced before the Planning Commission or the Environmental Review
13 Officer.

14 (d) The Board shall affirm the Planning Commission's certification of the final EIR
15 only if the Board finds that the final EIR is adequate, accurate and objective, that its
16 conclusions are correct, and that the findings contained in the Planning Commission's
17 certification are correct. The Board may affirm or reverse the action of the Planning
18 Commission only by a vote of a majority of all members of the Board. If the Board reverses
19 the Planning Commission's certification of the final EIR, it shall make specific findings and
20 remand the final EIR to the Planning Commission for further action consistent with the Board's
21 findings. The Board shall act by motion in affirming or reversing the Planning Commission's
22 certification of the final EIR.

23 (e) The Board shall act on an appeal within thirty (30) days of appeal of the
24 Planning Commission's certification of the EIR, provided that, if the full membership of the
25 Board is not present on the last day on which said appeal is set or continued for hearing within

1 such 30 days, the Board may postpone said hearing and decision thereon until, but not later
2 than, the full membership of the Board is present; provided further, that the latest date to
3 which said hearing and decision may be so postponed shall be not more than ninety (90) days
4 from the date of filing the appeal. The date of certification of the final EIR shall be the date
5 upon which the Planning Commission originally certified the final EIR if: (i) no appeal is filed;
6 or (ii) an appeal is filed and the Planning Commission's certification of the final EIR is affirmed
7 by action of the Board.

8 (f) In the event the Board remands an EIR to the Planning Commission, the Planning
9 Commission shall take such action as may be required by the specific findings made by the
10 Board and consider re-certification of the EIR. In the event the EIR is re-certified by the
11 Planning Commission, only the portions of the EIR which have been revised, or the new
12 issues which have been addressed, by the Planning Commission may be appealed again to
13 the Board pursuant to the procedures set forth herein.

14 (g) The Board may reject an appeal if it finds that the appeal fails to state proper
15 grounds for appeal. The Board shall act by motion in rejecting an appeal.

16 **SEC. 31.17. ACTIONS ON PROJECTS.**

17 (a) The certification of completion and the final EIR shall be transmitted by the
18 Environmental Review Officer to the applicant and the board, commission or department that
19 is to carry out or approve the project, and shall be presented to the body which will decide
20 whether to carry out or approve the project. These documents shall also be presented to any
21 appellate body in the event of an appeal from the decision whether to carry out or approve the
22 project.

23 (b) Before making its decision whether to carry out or approve the project, the
24 decision-making body or appellate body shall review and consider the information contained
25 in the EIR and shall make findings as required by CEQA.

1 (c) Thereafter, the decision-making body or appellate body may make its decision
2 whether to carry out or approve the project.

3 (d) After the City has decided to carry out or approve the project, the Environmental
4 Review Officer may file a notice of determination with the county clerk of the county or
5 counties in which the project is to be located and as required by CEQA. Such notice shall
6 contain the information required by CEQA.

7 **SEC. 31.18 ADDITIONAL ENVIRONMENTAL REVIEW.**

8 If the Environmental Review Officer or a decision-making body, as defined in CEQA,
9 determine that additional environmental review is required by CEQA, or if modifications to a
10 project require additional environmental review, such review will be conducted as provided by
11 CEQA and in accordance with the applicable procedures set forth in this Chapter 31.

12 **SEC. 31.19. EVALUATION OF MODIFIED PROJECTS.**

13 (a) After evaluation of a proposed project has been completed pursuant to this
14 Chapter, a substantial modification of the project may require reevaluation of the proposed
15 project.

16 (b) Where such a modification occurs as to a project that has been determined to
17 be excluded or categorically exempt pursuant to this Chapter, a new determination shall be
18 made as provided in this Chapter.

19 (1) If the project is again determined to be excluded or categorically exempt, no
20 further evaluation shall be required by this Chapter.

21 (2) If the project is determined not to be excluded or categorically exempt, an initial
22 study shall be conducted as provided in this Chapter.

23 (c) Where such a modification occurs as to a project for which a negative
24 declaration has been adopted or a final EIR has been certified, the Environmental Review
25 Officer shall reevaluate the proposed project in relation to such modification.

1 (1) If, on the basis of such reevaluation, the Environmental Review Officer
2 determines, based on the requirements of CEQA, that no additional environmental review is
3 necessary, this determination and the reasons therefor shall be noted in writing in the case
4 record, and no further evaluation shall be required by this Chapter. Notice of any such written
5 determination and the reasons therefor shall be posted in the Planning Department, and shall
6 be mailed to the applicant, the board, commission or department that will carry out or approve
7 the project, to any individual or organization that has commented on the environmental
8 document, and to any other individual or organization requesting such notice in writing.

9 (2) If, on the basis of such reevaluation, the Environmental Review Officer
10 determines that additional environmental review is necessary, the project shall be considered
11 a new project for purposes of environmental review pursuant to this Chapter. In that event, a
12 new evaluation shall be completed prior to the decision by the City as to whether to carry out
13 or approve the project as modified. CEQA sets forth specific requirements for the
14 determination of whether a supplemental or subsequent EIR is necessary, as well as the
15 process therefor.

16 **SEC. 31.20. MULTIPLE ACTIONS ON PROJECTS.**

17 (a) The concept of a project is broadly defined by CEQA so that multiple actions of
18 the same or of different kinds may often constitute a single project. This concept of a project
19 permits all the ramifications of a public action to be considered together, and avoids
20 duplication of review.

21 (b) Early and timely evaluation of projects and preparation of EIRs shall be
22 emphasized.

23 (c) Only one initial study, negative declaration or EIR shall be required for each
24 project.

1 (d) For purposes of determining the appropriate time for evaluation of projects and
2 preparation of EIRs pursuant to this Chapter, there shall be only one relevant decision by the
3 City to carry out or approve, or not to carry out or approve, a project. However for other
4 purposes there may be more than one determination by the same or separate boards,
5 commissions and departments of the City, either discretionary or ministerial, affecting the
6 carrying out or approval of the project. The authority and effectiveness of any other such
7 determinations, including determinations by the Board of Appeals or any other appellate body,
8 shall not be diminished by anything in this Chapter.

9 (e) Only one evaluation of a project or preparation of an EIR shall occur in cases in
10 which both the City and one or more other public agencies are to carry out or approve a
11 project. In such cases the evaluation or preparation is performed by the lead agency, which
12 agency is selected by reference to criteria in CEQA.

13 (f) CEQA provides that a single initial study, negative declaration or EIR may be
14 employed for more than one project, if all such projects are essentially the same in terms of
15 environmental effects. Furthermore, an initial study, negative declaration or EIR prepared for
16 an earlier project may be applied to a later project, if the circumstances of the projects are
17 essentially the same.

18 (g) Reference is made in CEQA to simultaneous consideration of multiple and
19 phased projects, related projects, cumulative effects of projects, projects elsewhere in the
20 region, existing and planned projects.

21 (h) With respect to projects preceding CEQA, and projects for which evaluations
22 and EIRs have already been completed, or on which substantial work has been performed,
23 CEQA makes provision as to when, if at all, a new evaluation or EIR must be prepared. An
24 effort shall be made, in preparation of evaluations and EIRs, to consider alternatives and thus
25 avoid the need for such further review of the project.

- 1 - Where said total estimated construction cost is \$1,000,000 or more, but less than
2 \$10,000,000: \$4,248 PLUS .26% of the cost over \$1,000,000;
3 - Where said total estimated construction cost is \$10,000,000 or more, but less than
4 \$30,000,000: \$27,647 PLUS .08% of the cost over \$10,000,000;
5 - Where said total estimated construction cost is \$30,000,000 or more, but less than
6 \$50,000,000: \$44,067 PLUS .03% of the cost over \$30,000,000;
7 - Where said total estimated construction cost is \$50,000,000 or more, but less than
8 \$100,000,000: \$49,540 PLUS .007% of the cost over \$50,000,000;
9 - Where said total estimated construction cost is \$100,000,000 or more: \$53,189 PLUS .003%
10 of the cost over \$100,000,000.
11 - Where there is no construction cost: \$950; plus time and materials as set forth in subsection
12 (b)(2).

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

- 17 (2) For preparation of an environmental impact report excluding use of special
18 expertise or technical assistance, as described in Section 31.21 below, the initial fee shall be:
19 - Where the total estimated construction cost as defined in the San Francisco Building Code is
20 less than \$200,000: \$16,000;
21 - Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000:
22 \$16,000 PLUS .4% of the cost over \$200,000;
23 - Where said total estimated construction cost is \$1,000,000 or more, but less than
24 \$10,000,000: \$19,187 PLUS .27% of the cost over \$1,000,000;
25

- 1 - Where said total estimated construction cost is \$10,000,000 or more, but less than
2 \$30,000,000: \$43,514 PLUS .11% of the cost over \$10,000,000;
3 - Where said total estimated construction cost is \$30,000,000 or more, but less than
4 \$50,000,000: \$64,854 PLUS .03% of the cost over \$30,000,000;
5 - Where said total construction cost is \$50,000,000 or more, but less than \$100,000,000:
6 \$70,328 PLUS .03% of the cost over \$50,000,000;
7 - Where said total estimated construction cost is \$100,000,000 or more: \$84,554 PLUS .01%
8 of the cost over \$100,000,000.
9 - Where there is no construction cost: \$16,000 plus time and materials as set forth in
10 Subsection (b)(2).

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

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

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

22 (4) For preparation of an addendum to an environmental impact report that has
23 previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: \$5,000.
24
25

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

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

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

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

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

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

23 (b) **Payment.**

24 (1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department
25 at the time of the filing of the environmental evaluation application, and where an

1 environmental impact report is determined to be required, the fee specified in Subsection
2 (a)(2) shall be paid at the time the preliminary draft environmental impact report I (PDEIR I) is
3 prepared, except as specified below. However, the Director of Planning may authorize phased
4 collection of the fee for a project whose work is projected to span more than one fiscal year.

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

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

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

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
12 percent per month shall be added to the fee amount owing the Department for fee accounts in
13 arrears more than 30 days. The Zoning Administrator may call upon other City agencies or
14 duly licensed collection agencies for assistance in collecting delinquent accounts more than
15 six 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.

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

22 **SEC. 31.23. OTHER FEES.**

23 (a) Where an initial evaluation or preparation of an environmental impact report and
24 related environmental studies require the use of special expertise or technical assistance not
25 provided by the board, commission, department or other person who is to carry out the

1 project, such expertise or assistance shall be paid for by such board, commission, department
2 or other person. This payment shall be made either to the Planning Department or, if the
3 Planning Department so requests, directly to the party that will provide such expertise or
4 technical assistance.

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

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

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

13 **ARTICLE V**

14 **SEVERABILITY**

15 **SEC. 31.24. SEVERABILITY.**

16 (a) If any article, section, subsection, paragraph, sentence, clause or phrase of this
17 Chapter, or any part thereof, is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, or other competent agency, such decision
19 shall not affect the validity or effectiveness of the remaining portions of this Chapter 31 or any
20 part thereof. The Board hereby declares that it would have passed each article, section,
21 subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any
22 one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases be
23 declared unconstitutional or invalid or ineffective.

24 (b) If the application of any provision or provisions of this Chapter to any person,
25 property or circumstances is found to be unconstitutional or invalid or ineffective in whole or in

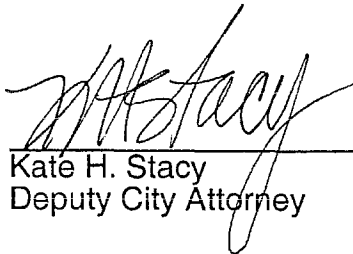
1 part by any court of competent jurisdiction, or other competent agency, the effect of such
2 decision shall be limited to the person, property or circumstances immediately involved in the
3 controversy, and the application of any such provision to other persons, properties and
4 circumstances shall not be affected.

5 (c) This Section 31.24 shall apply to this Chapter 31 as it now exists and as it may
6 exist in the future, including all modifications thereof and additions and amendments thereto.

7 APPROVED AS TO FORM:

8 LOUISE H. RENNE, City Attorney

9
10
11 By:



Kate H. Stacy
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: 001007

Date Passed:

Ordinance repealing Administrative Code Chapter 31 and enacting new Administrative Code Chapter 31 to adopt procedures and fees to implement the California Environmental Quality Act.

August 7, 2000 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 9 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Yaki, Yee
Absent: 2 - Brown, Teng

August 21, 2000 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

August 21, 2000 Board of Supervisors — CONTINUED AS AMENDED ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

August 28, 2000 Board of Supervisors — RE-REFERRED WITH PENDING AMENDMENT:
Audit and Government Efficiency Committee

Ayes: 10 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 1 - Bierman

December 11, 2000 Board of Supervisors — PASSED ON FIRST READING

Ayes: 7 - Becerril, Brown, Katz, Kaufman, Newsom, Teng, Yaki
Noes: 4 - Ammiano, Bierman, Leno, Yee

December 18, 2000 Board of Supervisors — CONTINUED ON FINAL PASSAGE

Ayes: 5 - Ammiano, Bierman, Leno, Newsom, Yee
Noes: 4 - Becerril, Brown, Kaufman, Yaki
Absent: 2 - Katz, Teng

January 16, 2001 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno, Newsom, Peskin, Sandoval, Yee

January 16, 2001 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno,
Newsom, Peskin, Sandoval, Yee

January 16, 2001 Board of Supervisors — RE-REFERRED: Audit and Government Efficiency
Committee

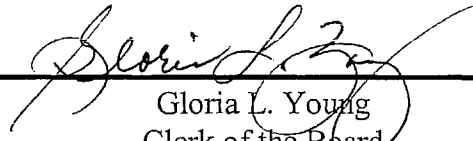
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno,
Newsom, Peskin, Sandoval, Yee

March 5, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

File No. 001007

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 5, 2001 by
the Board of Supervisors of the City and
County of San Francisco.




Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.

March 16, 2001

I hereby certify that the foregoing ordinance, not being signed by the Mayor
within the time limit as set forth in Section 3.103 of the Charter, became effective
without his approval in accordance with the provision of said Section 3.103 of the
Charter.



Clerk of the Board

File No.
001007