

1 [Administrative Code - California Environmental Quality Act Procedures and Fees]

2
3 **Ordinance amending the Administrative Code to eliminate the Installment Agreement**
4 **Processing Fee and Refund Processing Fee from the California Environmental Quality**
5 **Act procedures and fees.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in single-underline italics Times New Roman font.
8 **Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

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

14 Section 1. The Administrative Code is hereby amended by revising Section 31.22 to
15 read as follows:

16 **SEC. 31.22. BASIC FEES**

17 * * * *

18 **(b) Payment.**

19 (1) The fee specified in Subsection (a)(1) shall be paid to the Planning
20 Department at the time of the filing of the environmental evaluation application, and where an
21 environmental impact report is determined to be required, the fee specified in Subsection
22 (a)(2) shall be paid at the time the Notice of Preparation is prepared, except as specified
23 below. However, the Director of Planning or his/her designee may authorize phased collection
24 of the fee for a project whose work is projected to span more than one fiscal year. ~~A~~
25 ~~nonrefundable processing fee of \$53 is required to set up any installment payment plan for all~~
~~application fees.~~ The balance of phased payments must be paid in full one week in advance of

1 the first scheduled public hearing before the Planning Commission in consider the project or
2 before any Environmental Impact Report is published.

3 (2) The Planning Department shall charge the applicant for any time and
4 material costs incurred in excess of the initial fee charged if required to recover the
5 Department's costs for providing services. Provided, however, that where a different limitation
6 on time and materials is set forth elsewhere in this section, then that limitation shall prevail.

7 (3) Fee Adjustments. The Controller will annually adjust the project application
8 fee amounts specified in Section 31.22 and Section 31.23 by the two-year average consumer
9 price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical
10 Area (PMSA). For a listing of the Department's current fees inclusive of annual indexing for
11 inflation, reference the Schedule of Applicable Fees available on the Planning Department
12 website.

13 (4) Any fraternal, charitable, benevolent or any other nonprofit organization, that
14 is exempt from taxation under the Internal Revenue laws of the United States and the
15 Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable,
16 benevolent or other nonprofit organization, or public entity that submits an application for the
17 development of residential units or dwellings all of which are affordable to low and moderate
18 income households, as defined by the United State Housing and Urban Development
19 Department, for a time period that is consistent with the policy of the Mayor's Office of
20 Housing and the San Francisco Redevelopment Agency may defer payment of the fees
21 specified herein, with the exception of the fees payable pursuant to Section 31.22(a)(3) and
22 (4) and Section 31.22(a)(11) herein, until the time of issuance of the building permit, before
23 the building permit is released to the applicant; or ~~(2)~~ within one year of the date of completion
24 of the environmental review document, whichever is sooner. This exemption shall apply

1 notwithstanding the inclusion in the development of other nonprofit ancillary or accessory
2 uses.

3 (5) An exemption from paying the full fees set forth in Section 31.22(a)(3) and
4 (4) herein may be granted when the requestor's income is not enough to pay the fee without
5 affecting his or her ability to pay for the necessities of life, provided that the person seeking
6 the exemption demonstrates to the Director of Planning or his/her designee that he or she is
7 substantially affected by the proposed project.

8 (6) Exceptions to the payment provisions noted above may be made when the
9 Director of Planning or his/her designee has authorized phased collection of the fee for a
10 project whose work is projected to span more than one fiscal year. ~~A nonrefundable processing~~
11 ~~fee of \$53 is required to set up any installment payment plan for all application fees.~~ The balance of
12 phased payments must be paid in full one week in advance of the first scheduled public
13 hearing before the Planning Commission to consider the project or before any Environmental
14 Impact Report is published.

15 (c) **Refunds.** When a request for an initial evaluation or for preparation of an
16 environmental impact report is (1) either withdrawn by the applicant prior to publication of an
17 environmental document or (2) deemed canceled by the Planning Department due to inactivity
18 on the part of the applicant, then the applicant shall be entitled to a refund of the fees paid to
19 the Department less the time and materials expended ~~minus a \$436 processing fee.~~ Refund
20 requests must be submitted within six months of the project closure date.

21 (d) **Late Charges and Collection of Overdue Accounts.** The Director or his/her
22 designee shall call upon the Bureau of Delinquent Revenues or duly licensed collection
23 agencies for assistance in collecting delinquent accounts more than 60 days in arrears, in
24 which case any additional costs of collection may be added to the fee amount outstanding. If
25

1 the Department seeks the assistance of a duly licensed collection agency, the approval
2 procedures of Administrative Code Article 5, Section 10.39-1 *et seq.* will be applicable.

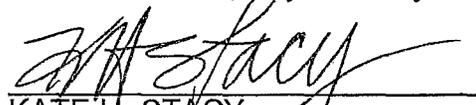
3 (e) These amendments to fees related to the Planning Department are intended to
4 provide revenues for the staffing and other support necessary to provide more timely
5 processing of applications within that Department.

6
7 Section 2. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:


22 KATE H. STACY
23 Deputy City Attorney

24 n:\legana\as2015\1500756\01009787.docx

LEGISLATIVE DIGEST

[Administrative Code - California Environmental Quality Act Procedures and Fees]

Ordinance amending the Administrative Code to eliminate the Installment Agreement Processing Fee and Refund Processing Fee from the California Environmental Quality Act procedures and fees.

Existing Law

Administrative Code Section 31.22 sets forth the basic fees for preparation of documents and determinations under the California Environmental Quality Act ("CEQA"). Among other fees, Section 31.22 contains 2 fees that are payable to the City and are considered processing fees whether or not the application moves forward. One fee of \$53 is used to set up an installment plan to pay for application fees, and a second processing fee of \$436 is subtracted from a application fee refund when the application is withdrawn or cancelled.

Amendments to Current Law

This amendment deletes these 2 fees.

n:\legana\as2015\1500756\01011363.docx

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

To: Angela Calvillo, Clerk of the Board of Supervisors
From: Kate Howard, Mayor's Budget Director
Date: June 1, 2015
Re: Mayor's FY 2015-16 and FY 2016-17 Budget Submission

Madam Clerk,

In accordance with City and County of San Francisco Charter, Article IX, Section 9.100, the Mayor's Office hereby submits the Mayor's June 1st proposed budget, corresponding legislation, and related materials for Fiscal Year 2015-16 and Fiscal Year 2016-17.

In addition to the Annual Salary Ordinance and Annual Appropriation Ordinance, the following items are included in the Mayor's submission:

- The budget for the Treasure Island Development Authority for FY 2015-16 and FY 2016-17.
- The budget for the Office of Community Investment and Infrastructure for FY 2015-16.
- 19 separate pieces of legislation (see list attached).
- A Transfer of Function letter detailing the transfer of 1.0 position within the Executive Branch.
- An Interim Exception letter.
- A letter addressing funding levels for consumer price index increases for nonprofit corporations or public entities for the coming two fiscal years.

If you have any questions, please contact me at (415) 554-6515.

Best Regards,

A handwritten signature in cursive script, appearing to read "Kate H.", written in black ink.

Kate Howard
Mayor's Budget Director

cc: Members of the Board of Supervisors
Harvey Rose
Controller

Legislation Introduced with the Mayor's Proposed FY 2015-16 and FY 2015-16 Budget			
DEPT	Description of Local Legislation	Type of Legislation	Budget & Finance Committee Calendar Date
AIR	Appropriation – \$2,673,349 to the Airport Commission - FY2015-2016	Ordinance	15-Jun
CON	Resolution Adjusting the Access Line Tax with the Consumer Price Index of 2015	Resolution	15-Jun
CON	Neighborhood Beautification and Graffiti Clean-up Fund Tax Designation Ceiling	Ordinance	15-Jun
CON	Designation of Hinderliter, de Llamas and Associates ("Contractor") as City's Authorized Representative in Sales and Use Tax Records Examination	Resolution	15-Jun
CON	Proposition J Contract Certification Specified Contracted-Out Services Previously Approved	Resolution	15-Jun
CPC	Administrative Code – California Environmental Quality Act Procedures and Fees (Fee Elimination)	Ordinance	15-Jun
CPC	Planning, Building Codes – Fee Waiver for Legalization of Secondary Dwelling Units	Ordinance	15-Jun
DBI	Building Code - Fees	Ordinance	18-Jun
DPH	Accept and Expend Grants- Recurring State Grant Funds - Department of Public Health- FY2015-2016	Resolution	18-Jun
DPH	Public Health Rates for FY 2015-16 and FY 2016-17	Ordinance	18-Jun
DPH	Administrative Code - Department of Public Health Group Purchasing Organizations	Ordinance	18-Jun
DPW	Public Works Code – Fees for Nighttime Work Permit and Preapplication Meetings	Ordinance	17-Jun
FIR	Business and Tax Regulations Code - Fire Department Licensing Fees	Ordinance	17-Jun
FIR	Fire Code – Fire Department Fines and Fees	Ordinance	17-Jun
H.S.A.	Approval of FY15-16 and FY16-17 Expenditure Plans for the Human Services Care Fund	Resolution	18-Jun
MOHCD	Administrative, Planning, Subdivision Codes - Citywide Affordable Housing Fund, Mayor's Housing Programs Fees Fund	Ordinance	15-Jun
MOHDC	Certificates of Participation – Housing Trust Fund – Reimbursement of Certain Expenditures	Resolution	15-Jun
PUC	Appropriation Amendment - \$2,177,552 to the Public Utilities Commission Operating Budget - FY2015-2016	Ordinance	15-Jun
PUC	Public Employment – Amendment to the Annual Salary Ordinance, FY2015-2016 and FY 2016-2017 – Public Utilities Commission Water Enterprise Department	Ordinance	15-Jun